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ESSAYS  
ON  
PARLIAMENTARY REFORM

BY THE LATE  
WALTER BAGEHOT  
M.A. AND FELLOW OF UNIVERSITY COLLEGE, LONDON

*NEW AND CHEAPER EDITION*

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# PARLIAMENTARY REFORM.<sup>1</sup>

(1859.)

WE shall not be expected to discuss in a party spirit the subject of Parliamentary Reform. It has never been objected to the *National Review* that it is a party organ; and even periodicals which have long been such, scarcely now discuss that subject in a party spirit. Both Whigs and Conservatives are pledged to do something, and neither as a party have agreed what they would do. We would attempt to give an impartial criticism of the electoral system which now exists, and some indication of the mode in which we think that its defects should be amended. It is possible, we fear, that our article may be

<sup>1</sup> *On the Electoral Statistics of the Counties and Boroughs in England and Wales during the Twenty-Five Years from the Reform Act of 1832 to the Present time.* By William Newmarch, one of the Honorary Secretaries of the Statistical Society. Read before the Statistical Society, 16th June, 1857, and printed in the *Journal* of that Society, Vol. XX. Parts II. and III.—We cannot speak too highly of these most admirable statistics. No pains have been spared to make them complete, and extreme judgment has been shown in the selection. When it is not otherwise stated, all our electoral statistics are from this source.

long, and that our criticism on existing arrangements may appear tedious. But a preliminary understanding is requisite; unless we are agreed as to what is to be desired, we cannot hope to agree as to what is to be done: a clear knowledge of the disease must precede the remedy. In business, no ingenuity of detail can compensate for indistinctness of design.

There is much that may be said against the Reform Act of 1832; but, on the whole, it has been successful. It is a commonplace to speak of the legislative improvements of the last twenty-five years, and it would be tedious to enumerate them. Free trade, a new colonial policy, the improved poor-law, the encumbered-estate act in Ireland, the tithe commutation, municipal reform, the tentative but most judicious support of education, are only some of the results of the reform of the House of Commons. Scarcely less important is the improvement which the Reform Bill has introduced into the general tone of our administration; our executive has become purer, more considerate, and more humane, and it would be difficult to show that in its ordinary and beneficial action it is much weaker. Nor is this all. So much of agreement in opinion as we see around us is perhaps unexampled in a political age; and it is the more singular, because the English nation is now considerably less homogeneous in its social structure than it once was. The prodigious growth of manufactures and trade has created

a new world in the north of England, which contrasts with the south in social circumstances and social habits: yet at no former time was there such a difference as there now is between Lancashire and Devonshire. It is impossible not to ascribe this agreement to the habit of national discussion which the Reform Act has fostered. The scattered argument, the imperfect but perpetual influence of the press and society, have made us, perhaps even to an excessive degree, unanimous. Possibly we are all too much disposed to catch the voice which is in the air. Still, a little too much concord is better than a little too much discord. It is a striking result, that our present constitution has educed from such dissimilar elements so much of harmony.

Beneficial, however, as are these incidental results of the Reform Bill, they are not the most important parts of its success. This measure has, to a considerable extent, been successful in its *design*. The object which its framers had in view was, to transfer the predominant influence in the State from certain special classes to the general aggregate of fairly instructed men. It is not perhaps very easy to prove upon paper that this has been, at least in a very great degree, effected. The most difficult thing to establish by argument is an evident fact of observation. There are no statistics of opinion to which we can refer, there is no numerical comparison which will establish the accordance of parliamentary with social opinion. We



must trust to our eyes and ears, to the vague but conclusive evidence of events. If, indeed, public opinion had always been as unanimous as it now is, we should have some difficulty in ascertaining the fact. When everybody thinks the same, there is no saying which is the stronger party. But during the last twenty-six years there have been many periods at which public opinion was much divided and strongly excited. The great legislative changes which have been mentioned were not effected without long and animated party dissension. The policy of a great country like this has continually required the determination of critical questions, both at home and abroad; its ramified affairs have been a never-failing source of controverted topics. What would have been the sign if the expressed opinion of Parliament had been contrary to the distinct opinion of the country? In the present state of the country we should not have been long in learning it. We should have had political meetings, not of one class but all classes, clouds of petitions from every quarter, endless articles in newspapers; the cry would only have died away when the obnoxious decision was reversed, and the judgment of Parliament submitted itself to the will of the nation. The inclination of the House of Commons is evidently not to oppose the country. On the contrary, we all know the power, the undue power, possessed by that part of the press whose course is supposed to indicate what is likely to be the common opinion.

So far from our legislators dissenting too often from the expressed judgment of the country, they are but too much swayed by indications of what it probably will be. The history of our great legislative changes of itself shows that the opinion of Parliament is, in the main, coincident with that of the nation. Parliament and the country were converted at the same time. Even the history of the corn-law agitation, which is often referred to as indicating the contrary, proves this conspicuously. It succeeded almost at the moment that impartial people, who had no interests on either side, were convinced that it ought to succeed. Mr. Cobden liked to relate, that when he first began to dream of agitating the question, a most experienced nobleman observed to him, 'Repeal the Corn-laws! you will repeal the monarchy as soon.' The noble lord was right in estimating the tenacity and intensity of the protectionist creed; but he did not know, and Mr. Cobden did, the power of plain argument on the common mass of plain men, and the certainty that *their* opinion, if really changed, would suffice to change the course of our legislation, even in opposition to strong aristocratic influence and very rooted prejudice. It has been said that Sir Robert Peel owed his success in life to 'being converted at the conversion of the average man;' the same influences acted on his mind that acted on the minds of most other people throughout the nation, and in much the same measure. He was, therefore, converted to new

views at the same time that most other people were converted to them. The same may be said of the present Parliament. Nobody would call the reformed House of Commons original; it is never in advance of the higher order of cultivated thought: but every one would agree that it is pre-eminently considerate, well-judging, and convincing; and when people say this, they mean that its opinions commonly coincide with their own.

In no respect is the reality of the accordance in opinion between Parliament and the nation so convincingly shown as in the sympathy of Parliament with the eccentricities of public opinion. We are constantly acknowledging that 'the English mind' is exclusively occupied with single questions; sometimes with one, and sometimes with another, but at each time with one only. If Parliament did not share the same influences as the general body of fairly educated men, there would every now and then be a remarkable contrast between the subjects which interested Parliament and that which occupied the nation. The intensity of our peculiar sympathies makes this more likely. Satirists say that the English nation is liable to intellectual *seizures*; and so exclusive and so restless is our intellectual absorption, so sudden its coming, so quick sometimes is its cessation, that there is some significance in the phrase. We are struck with particular ideas, and for the time think of nothing else. It will be found that Parliament, if it be sitting, thinks of the same. No

instance of this can be more remarkable than the parliamentary proceedings on Mr. Roebuck's motion for an inquiry into the conduct of the Crimean campaign. There was great excitement in the nation at the moment; it has enabled the present generation to understand what historians did not before understand—the fate of poor Admiral Byng. The English nation cannot bear failure in war. If there had been any one to hang at the time Mr. Roebuck made his motion, and he could have been hanged directly, certainly he would have been hanged. On the other hand, the authority of statesmanlike opinion in Parliament, the weight of political connection, the legitimate disinclination to break up a government during a dangerous crisis, and—what is more remarkable—the great preponderance of sound argument, were united to influence Parliament not to grant even an inquiry. The result showed that the opinion of our leading statesmen was right, and that the arguments they produced were incontrovertible. Few investigations that have been commenced with so much outcry have ever had so trivial an effect. Yet, in opposition to all these influences, usually so omnipotent,—in opposition to the combined force of personal feeling and abstract argument,—the House of Commons so far accurately represented the sentiment of the country as to grant, and even to insist on granting, the inquiry. This parliamentary episode appears to be an *instantia luciferi* on the subject; it shows that,

even when we could wish it otherwise, the House of Commons will echo the voice of the nation.

After all, there can be no more conclusive evidence of the substantial agreement between Parliament and the nation than the slight interest which is taken by the public in all questions of organic reform. Every one knows how the Reform Act of 1832 was carried; no one doubted that the public mind was excited then; no fair person could doubt what the decision of the nation then was. The 'insurrection of the middle classes,' as it has been called, insured the success of the 'Bill.' It was alleged by its most reasonable opponents 'that the measure could not be final; that those on whom it was proposed to confer the franchise would, even after the passing of the measure, be but small in comparison with those from whom it would be still withheld; that in a few years a similar agitation would recur, and a similar necessity of yielding to agitation; that the storm of 1832 would be a feeble prelude to that of 1842,' etc. These prophecies were not without a species of probability, but they have not been realized. No excited multitude clamours for enfranchisement; the reality is the reverse of the anticipation.

Two defects, however, may be discerned in the general accordance of parliamentary with national opinion. The Parliament certainly has an undue bias towards the sentiments and views of the landed interest. It is not easy

to trace this in immediate results. We have said that we scarcely think that it is proved by the history of the free-trade agitation; that agitation was successful, nearly if not quite, as soon as it should have been. We may, indeed, speculate on the results which might have occurred if the Irish famine had not happened, and if Sir R. Peel had not formed a statesmanlike judgment upon its consequences; we may believe that there would in that case have been an opposition between an educated nation converted by reasoning to the principles of free trade, and a majority in Parliament wedded by prejudice and interest to protection. Still, as this is but conjecture, we cannot cite it as conclusive evidence. Nor is the partiality to real property in matters of taxation which is occasionally dwelt on, very easy to prove in figures. The account is at best a complicated one. The exemption of land from probate duty is partly compensated by the succession duty, by the land-tax, by the more severe pressure of the income-tax, and still more by the necessary incidence of much local taxation on this kind of property. Still, a fair observer, closely comparing the opinion of the House of Commons with that of the public out of doors, will certainly observe some signs of a partiality towards the landed interest among our legislators. We cannot ascribe this to any obvious preponderance in number of the county over the borough seats. Taking population as a test, it is otherwise. There are in England and Wales

159 county members, more than double that number (viz. 335) of borough members; the population of the represented boroughs is 7,500,000, that of the counties 10,500,000, consequently the represented boroughs have not as many inhabitants as the counties, though they elect twice the number of members. This test is, of course, a most imperfect one; but it may serve to show that in mere arithmetic the counties are not extravagantly favoured. The real cause is the peculiar structure of our county society. A county member is almost of necessity one of the county gentry; he must not only possess land, but it must be land in that place: no one else is 'entitled to stand.' On the other hand, boroughs return a very miscellaneous class of members. Many important land-owners sit for them. So great is the variety, that no class is excluded from them altogether. This contrast must affect the distribution of parliamentary power. The county members form a peculiar class in the House of Commons, and exercise a steady influence there out of proportion to their mere numbers. Besides, so much more of social influence belongs to the territorial aristocracy than to any other class, that its weight is indefinitely increased. Not a few men enter Parliament mainly to augment their social importance, and over these the unquestioned possessors of social rank necessarily have great power. A third circumstance contributes its effect. The ministers of the crown are generally large

landowners. By imperious social usage, they must be men of large property; and all opulence gravitates towards the land. Political opulence does so particularly. Until recently there was much difficulty in finding other investments not requiring sedulous personal attention, and not liable to be affected by political vicissitudes. It is of essential importance that ministers of State should be persons *at ease* in their worldly circumstances, and it is quite out of the question that they should have any share in the administration of commercial enterprises; they have enough to do without that. Their wealth, too, should not be in a form that could expose them even to the suspicion of stock-jobbing, or of making an improper use of political information. We have now many kinds of property debentures, canal shares, railway shares, etc., which have these advantages in nearly an equal degree with land itself; but the growth of these is recent. It may hereafter have important consequences, but it has not as yet had time to achieve them. Accordingly the series of cabinet ministers presents a nearly unbroken rank of persons who either are themselves large landowners, or are connected closely by birth or intermarriage with large landowners. This combination of circumstances gives to real property an influence in our political system greater than in strict theory we should wish it to have. It is true that the owners of much land are men of much leisure, and the possession of such property has



a sedative influence, which in moderation may not be undesirable; but the effective representation of national opinion requires the selection of members of Parliament from men of various occupations, various tendencies, and various sympathies. Public opinion in a composite nation is formed by the action and reaction of many kinds of minds; and abstractedly it seems a defect that the solid mass of county members, on whatever side of the house they sit, should present features so marked and uniform.

The second defect in the accordance of parliamentary with national opinion is but another phase of the same fact. Too little weight is at present given to the growing parts of the country, too much to the stationary. It appears that the county constituencies in England and Wales have only increased, in the twenty years between 1837 and 1857, from 473,000 to 505,000, that is, at about six per cent.; the borough constituencies, in the same period, have increased from 321,000 to 439,000, or at the rate of seventeen per cent. And it further appears, as we should expect, that the principal increase, both in the case of counties and boroughs, is not in the purely agricultural districts, but in the great scenes of manufacturing industry and in the metropolis. The growth of constituencies, according to the present franchise, is a much better test of relative importance than the mere growth of population; it indicates the increase of property, and therefore of presumable intelligence. These figures plainly

indicate, if not an existing defect, yet a source of future defect in our representative system. If there was a just proportion between the two halves of England in 1832, there is not that just proportion now. In the long run, public opinion will be much more influenced by the growing portion of the country than by the stationary. It is an indistinct perception of this fact that stimulates whatever agitation for reform at present exists. The manufacturers of Leeds and Manchester do not give levees and entertainments to Mr. Bright from any attraction towards abstract democracy; the rate-paying franchise which Mr. Bright desires would place these classes under the irresistible control of their work-people. What our great traders really desire is, their own due weight in the community. They feel that the country squire and the proprietor of a petty borough have an influence in the nation above that which they ought to have, and greater than their own. A system arranged a quarter of a century ago presses with irritating constraint on those who have improved with half-magical rapidity during that quarter of a century,—is unduly favourable to those who have improved much less or not at all.

Subject, however, to these two exceptions, the House of Commons of the present day coincides nearly—or sufficiently nearly—in habitual judgment with the fairly intelligent and reasonably educated part of the community. Almost all persons, except the avowed holders

of the democratic theory, would think that this is enough. Most people wish to see embodied in Parliament the *true judgment* of the nation; they wish to see an elected legislature fairly representing—that is, coinciding in opinion with—the thinking part of the community. What more, they would inquire, is wanted? We answer, that though this is by much the most important requisite of a good popular legislature, it is not absolutely the only one.

At present, the most important function of the representative part of our legislature—the House of Commons—is the *ruling* function. By a very well-known progress of events, the popular part of our constitution has grown out of very small beginnings to a practical sovereignty over all the other parts. To possess the confidence of the House of Commons is all that a minister desires; the power of the Crown is reduced to a kind of social influence; that of the House of Lords is contracted to a suspensive veto. For the exercise of this ruling function, the substantial conformity of the judgment and opinion of the House of Commons with that of the fairly cultivated and fairly influential part of the people at large is the most important of possible conditions—is, in fact, the one condition on which the satisfactory performance of that function appears to depend. No legislature destitute of this qualification, whatever its other merits may be, can create

that feeling of diffused satisfaction which is the peculiar happiness of constitutional countries, or can ensure that distinct comprehension of a popular policy which is the greatest source of their strength. Nothing can satisfy which is not comprehended: no policy can be popular which is not understood. This is a truth of every-day observation. We are, nowadays, so familiar with the beneficial results of the ruling action of Parliament, that we are engrossed by it; we fancy that it is the sole duty of a representative assembly: yet so far is this from being the case, that in England it was not even the original one.

The earliest function of a House of Commons was undeniably what we may call an *expressive* function. In its origin it was (matters of taxation excepted) a petitioning body; all the early statutes, as is well known, are in this form: the Petition of Right is an instance of its adoption in times comparatively recent. The function of the popular part of the legislature was then to represent to the king the *wants* of his faithful Commons. They were called to express the feelings of those who sent them and their own. Of course, in its original form, this function is obsolete; and if something analogous to it were not a needful element in the duties of every representative assembly, it would be childish to refer to it. But in every free country it is of the utmost importance—and, in the long run, a pressing necessity—that

all opinions extensively entertained, all sentiments widely diffused should be *stated* publicly before the nation. We may attribute the real decision of questions, the actual adoption of policies, to the ordinary and fair intelligence of the community, or to the legislature which represents it. But we must also take care to bring before that fair intelligence and that legislature the sentiments, the interests, the opinions, the prejudices, the wants, of all classes of the nation; we must be sure that no decision is come to in ignorance of real facts and intimate wants. The diffused multitude of moderate men, whose opinions, taken in the aggregate, form public opinion, are just as likely to be tyrannical towards what they do not realize, inapprehensive of what is not argued out, thoughtless of what is not brought before them, as any other class can be. They will judge well of what they are made to understand; they will not be harsh to feelings that are brought home to their imagination; but the materials of a judgment must be given them, the necessary elements of imagination must be provided, otherwise the result is certain. A free government is the most stubbornly stupid of all governments to whatever is *unheard* by its deciding classes. On this account it is of the utmost importance that there should be in the House of Commons some persons able to speak, and authorized to speak, the wants, sentiments, and opinions of every section of the community—delegates, one might

almost say, of that section. It is only by argument in the legislature that the legislature can be impressed; it is by argument in the legislature that the attention of the nation is most easily attracted and most effectually retained.

If, with the light of this principle, we examine our present system of representation, it seems unquestionable that it is defective. We do not provide any mode of expression for the sentiments of what are vaguely but intelligibly called the working classes. We ignore them. The Reform Act of 1832 assumed that it was expedient to give a representation to the wants and feelings of those who live in ten-pound houses, but that it was not expedient to give any such expression to the wants and feelings of those who live in houses rated below that sum. If we were called to consider that part of this subject, we should find much to excuse the framers of that Act in the state of opinion which then prevailed and the general circumstances of the time. It was necessary to propose a simple measure; and this numerical demarcation has a trenchant simplicity. But if we now considerately review our electoral organization, we must concede that, however perfectly it may provide an appropriate regulator for our national affairs, it omits to provide a befitting organ of *expression* for the desires and convictions of these particular classes.

The peculiar characteristics of a portion of the working

classes render this omission of special importance. The agricultural labourers may have no sentiments on public affairs ; but the artisan classes have. Not only are their circumstances peculiar, and their interests sometimes different from those of the high orders of the community—both which circumstances are likely to make them adopt special opinions, and are therefore grounds for a special representation—but the habit of mind which their pursuits and position engender is of itself not unlikely to cause some eccentricity of judgment. Observers tell us that those who live by manual ingenuity are more likely to be remarkable for originality than for modesty. In the present age—and to some extent, we must expect, in every age—such persons must be self-taught ; and self-taught men are commonly characterized by a one-sided energy and something of a self-sufficient disposition. The *sensation* of perfection in a mechanical employment is of itself not without an influence tending towards conceit ; and however instructed in definite learning energetic men in these classes may become, they are not subjected to the insensible influences of cultivated life, they do not live in the temperate zone of society, which soon chills the fervid ideas of unseasonable originality. Being cooped up within the narrow circle of ideas that their own energy has provided, they are particularly liable to singular opinions. This is especially the case on politics. They are attracted to that subject in a free country of necessity ;

their active intellects are in search of topics for reflection; and this subject abounds in the very atmosphere of our national life, is diffused in newspapers, obtruded at elections, to be heard at every corner of the street. Energetic minds in this class are therefore particularly likely to entertain eccentric opinions on political topics; and it is peculiarly necessary that such opinions should, by some adequate machinery, be stated and made public. If such singular views be brought into daily collision with ascertained facts and the ordinary belief of cultivated men, their worth can be tested, the weakness of their fallacious part exposed, any new grain of truth they may contain appreciated. On some subjects (possibly, for example, on simple questions of foreign policy) the views of self-taught men may be very valuable, for their moral instincts sometimes have a freshness rarely to be found. At any rate, whatever may be the abstract value of the special sentiments and convictions of the operative classes, their very speciality is a strong indication that our constitution is defective in providing no distinct outlet for their expression.

A theorist might likewise be inclined to argue that the Reform Act of 1832 was defective in not providing an appropriate organ for the expression of opinion of the higher orders of society. It selects a ten-pound householder for special favour. In large towns, nay to a certain extent in any town, the more cultivated and refined



classes, who live in better houses than these, are practically disfranchised; the number of their inferiors renders valueless the suffrage conferred on them. We remember some years ago hearing a conversation between a foreigner and a most accomplished Englishman, who lived in Russell Square. The foreigner was expatiating on the happiness of English people in being governed by a legislature in which they were represented. The Russell-Square scholar replied, '*I am represented by Mr. Wakley and Tom Duncombe.*' He felt the scorn natural to a cultivated man in a metropolitan constituency at the supposition that such representatives as these really expressed *his* views and sentiments. We know how constantly in America, which is something like a nation of metropolitan constituencies, the taste and temper of the electors excludes the more accomplished and leisured classes from the legislature, and how vulgar a stamp the taste and temper of those elected impresses on the proceedings of its legislature and the conduct of its administration. Men of refinement shrink from the House of Representatives as from a parish vestry. In England, though we feel this in some measure, we feel it much less. Other parts of our electoral system now afford a refuge to that refined cultivation which is hateful to and hates the grosser opinion of the small shopkeepers in cities. Our higher classes still desire to rule the nation; and so long as this is the case, the inherent tendencies of human nature secure them the

advantage. Manner and bearing have an influence on the poor; the nameless charm of refinement tells; personal confidence is almost everywhere more easily accorded to one of the higher classes than to one of the lower classes. From this circumstance, there is an inherent tendency in any electoral system which does not vulgarize the government to protect the rich and to represent the rich. Though by the letter of the law, a man who lives in a house assessed at £10 has an equal influence on the constitution of the legislature with a man whose house is assessed at £100, yet, in truth, the richer man has the security that the members of Parliament, and especially the foremost members of Parliament, are much more likely to be taken from this class than from a poorer class.

We may therefore conclude that there is not any ground for altering the electoral system established by the Reform Act of 1832 on account of its not providing for the due representation of the more cultivated classes. Indirectly it does so. But we must narrowly watch any changes in that system which are proposed to us, with the view of seeing whether their operation might not have a tendency to impair the subtle working of this indirect machinery. We must bear in mind that the practical disfranchisement of the best classes is the ascertained result of giving an equal weight to high and low in constituencies like the metropolitan.

These considerations do not affect our previous con-

clusion as to the lower orders. We ascertained that, however perfectly the House of Commons under the present system of election may coincide in judgment with the fairly educated classes of the country, and however competent it may on that account be to perform the ruling function of a popular legislature, it was nevertheless defective in its provision for the performance of the *expressive* functions of such a legislature; because it provided no organ for informing Parliament and the country of the sentiments and opinions of the working, and especially of the artisan classes.

Another deficiency in the system of representation now existing is of a different nature. It is not only desirable that a popular legislature should be fitted to the discharge of its duties, but also that it should be elected by a process which occasions no unnecessary moral evils. A theorist would be inclined to advance a step further. He would require that a popular assembly should be elected in the mode which would diffuse the instruction given by the habitual possession of the franchise among the greatest number of competent persons, and which would deny it to the greatest number of unfit persons. But every reasonable theorist would hasten to add, that the end must never be sacrificed to the means. The mode of election which is selected must be one which will bring together an assembly of members fitted to discharge the functions of Parliament. *Among* those modes

of election, this theoretical principle prescribes the rule of choice; but we must not, under its guidance, attempt to travel beyond the circle of those modes. A practical statesman will be very cautious how he destroys a machinery which attains its essential object, for the sake of an incidental benefit which might be expected from a different machinery. If we have a good legislature, he will say, let us not endanger its goodness for the sake of a possible diffusion of popular education. All sensible men would require that the advocates of such a measure should show beyond all reasonable doubt that the extension of the suffrage, which they recommend on this secondary ground, should not impair the attainment of the primary end for which *all* suffrage was devised. At the present moment, there certainly are many persons of substantial property and good education who do not possess the franchise, and to whom it would be desirable to give it, if they could be distinguished from others who are not so competent. A man of the highest education, who does not reside in a borough, may have large property in the funds, in railway shares, or any similar investment; but he will have no vote unless his house is rated above £50. But, as we have said, we must not, from a theoretical desire to include such persons in our list of electors, run a risk of admitting also any large number of persons who would be unfit to vote, and thereby impairing the practical utility of Parliament. No such

hesitation should, however, hold us back when peculiar moral evils can be proved to arise from a particular mode of election. If that be so, we ought on the instant to make the most anxious search for some other mode of election not liable to the same objection: we ought to run some risk; if another mode of election can be suggested, apparently equal in efficiency, which would not produce the same evils, we should adopt it at once in place of the other. We must act on the spirit of faith that what is morally wrong cannot be politically right.

This objection applies in the strongest manner to one portion of our electoral system, namely, the smaller borough constituencies. We there intrust the franchise to a class of persons few enough to be bought, and not respectable enough to refuse to be bought. The disgraceful exposures of some of these boroughs before election committees make it probable that the same abuses exist in others: doubtless, too, we do not know the worst. The worst constituencies are slow to petition, because the local agents of both parties are aware of what would come to light, and fear the consequent penalties. Enough, however, is in evidence for us to act upon. Some of these small boroughs are dependent on some great nobleman or man of fortune; and this state is perhaps preferable to their preserving a vicious independence: but even this state is liable to very many objections. It is most advantageous that the nominal electors should be the real electors. Legal fictions

have a place in courts of law; it is sometimes better or more possible to strain venerable maxims beyond their natural meaning than to limit them by special enactment: but legal fictions are very dangerous in the midst of popular institutions and a genuine moral excitement. We speak day by day of 'shams;' and the name will be for ever applied to modes of election which pretend to intrust the exclusive choice to those who are known by everybody never to choose. The Reform Act of 1832 was distinctly founded on the principle that all modes of election should be *real*.

We arrive, therefore, at the result that the system of 1832 is defective, because it established, or rather permitted to continue, moral evils which it is our duty to remove, if by possibility they can be removed. However, in that removal we must be careful to watch exactly what we are doing. It has been shown that the letter of the Reform Act makes no provision for the special representation of wealth and cultivation; the representation which they have is attained by *indirect* means. The purchasable boroughs are undoubtedly favourable to wealth; the hereditary boroughs to men of hereditary cultivation; and we should be careful not to impair unnecessarily the influence of these elements by any alteration we may resolve upon.

We can now decide on the result which we should try to attain in a new Reform Bill. If we could obtain a

House of Commons that should be well elected, that should contain true and adequate exponents of all class interests, that should coincide in opinion with the fair intelligence of the country, we shall have all which we ought to desire. We have satisfied ourselves that we do not possess all these advantages now ; we have seen that a part of our system of election is grossly defective ; that our House of Commons contains no adequate exponents of the views of the working classes ; that though its judgment has, as yet, fairly coincided with public opinion, yet that its constitution gives a dangerous preponderance to the landed interest, and is likely to fail us hereafter unless an additional influence be given to the more growing and energetic classes of society.

We should think it more agreeable (and perhaps it would be so to most of our readers) if we were able at once to proceed to discuss the practical plan by which these objects might be effected ; but in deference to a party which has some zealous adherents, and to principles which, in an indistinct shape, are widely diffused, we must devote a few remarks to the consideration of the ultra-democratic theory ; and as we have to do so, it will be convenient to discuss in connection with it one or two of the schemes which the opponents of that theory have proposed for testing political intelligence.

As is well known, the democratic theory requires that parliamentary representation should be proportioned to

mere numbers. This is not, indeed, the proposition which is at this moment put forward. The most important section of democratic reformers now advocate a rate-paying or household franchise; but this is either avowedly as a step to something farther, or because from considerations of convenience it is considered better to give the franchise only to those whose residences can be identified. But it is easy to show that the rate-paying franchise is almost equally liable with the manhood suffrage to a most important objection. That objection, of course, is, that the adoption of the scheme would give entire superiority to the lower part of the community. Nothing is easier than to show that a rate-paying franchise would have that effect. In England and Wales—

The number of houses assessed at £10 and above			
is computed to be . . . . .			990,000
„	„	at £6 and under £10	572,000
„	„	under £6 . . . .	1,713,000
			<hr/>
			3,275,000

More than half the persons who would be admitted by the rate-paying franchise are, therefore, of a very low order, living in houses under £6 rent, and two-thirds are below £10, the lowest qualification admitted by the present law. It therefore seems quite certain that the effect of the proposed innovation must be very favourable to ignorance and poverty, and very unfavourable to cultivation and intelligence.



There used to be much argument in favour of the democratic theory, on the ground of its supposed conformity with the abstract rights of man. This has passed away; but we cannot say that the reasons by which it has been replaced are more distinct: we think that they are less distinct. We can understand that an enthusiast should maintain, on fancied grounds of immutable morality, or from an imaginary conformity with a supernatural decree, that the ignorant should govern the instructed; but we do not comprehend how any one can maintain the proposition on grounds of expediency. We might believe it was right to submit to the results of such a polity; but those results, it would seem, must be beyond controversy pernicious. The arguments from expediency, which are supposed to establish the proposition, are never set forth very clearly; and we do not think them worth confuting. We are, indeed, disposed to believe, in spite of much direct assertion to the contrary, that the democratic theory still rests not so much on reason as on a kind of sentiment—on an obscure conception of abstract rights. The animation of its advocates is an indication of it. They think they are contending for the ‘rights’ of the people; and they endeavour to induce the people to believe so too. We hold this opinion the more strongly, because we believe that there *is* such a thing, after all, as abstract right in political organizations. We find it impossible to believe that all the

struggles of men for liberty—all the enthusiasm it has called forth, all the passionate emotions it has caused in the very highest minds, all the glow of thought and rustle of obscure feeling which the very name excites in the whole mass of men—have their origin in calculations of advantage and a belief that such and such arrangements would be beneficial. The masses of men are very difficult to excite on bare grounds of self-interest; most easy, if a bold orator tells them confidently they are *wronged*. The foundation of government upon simple utility is but the fiction of philosophers; it has never been acceptable to the natural feelings of mankind. There is far greater truth in the formula of the French writers, that '*le droit dérive de la capacité*.' Some sort of feeling akin to this lurks, we believe, in the minds of our reformers; they think they can show that some classes now unenfranchised are as capable of properly exercising the franchise as some who have possessed it formerly, or some who have it now. The five-pound householder of to-day is, they tell us, in education and standing but what the ten-pound householder was in 1832. The opponents of the theory are pressed with the argument, that every fit person should have the franchise, and that many who are excluded are as fit as some who exercise it, and from whom no one proposes to take it away.

The answer to the argument is plain. Fitness to govern—for that is the real meaning of exercising the

franchise which elects a *ruling* assembly—is not an absolute quality of any individual. That fitness is relative and comparative; it must depend on the community to be governed, and on the merits of other persons who may be capable of governing that community. A savage chief may be capable of governing a savage tribe; he may have the right of governing it, for he may be the sole person capable of so doing; but he would have no right to govern England. We must look likewise to the competitors for the sovereignty. Whatever may be your capacity for rule, you have no right to obtain the opportunity of exercising it by dethroning a person who is *more* capable. You are wronging the community if you do: for you are depriving it of a better government than that which you can give to it. You are wronging also the ruler you supersede; for you are depriving him of the appropriate exercise of his faculties. Two wrongs are thus committed from a fancied idea that abstract capacity gives a right to rule irrespective of comparative relations. The true principle is, that every person has a right to *so much political power as he can exercise without impeding any other person who would more fitly exercise such power*. If we apply this to the lower orders of society, we see the reason why, notwithstanding their numbers, they must always be subject—always at least be comparatively uninfluential. Whatever their capacity may be, it must be less than that of the higher classes,

whose occupations are more instructive and whose education is more prolonged. Any such measure for enfranchising the lower orders as would overpower, and consequently disfranchise, the higher, should be resisted on the ground of 'abstract right;' you are proposing to take power from those who have the superior capacity, and to vest it in those who have but an inferior capacity, or, in many cases, no capacity at all. If we probe the subject to the bottom, we shall find that justice is on the side of a graduated rule, in which all persons should have an influence proportioned to their political capacity; and it is at this graduation that the true maxims of representative government really aim. They wish that the fairly intelligent persons, who create public opinion, as we call it, in society, should rule in the State, which is the authorized means of carrying that opinion into action. This is the body which has the greater right to rule; this is the *felt intelligence* of the nation, '*la légitime aristocratie, celle qu'acceptent librement les masses, sur qui elle doit exercer son pouvoir.*'<sup>1</sup>

It is impossible to deny that this authority, in matters of political opinion, belongs by right, and is felt to belong in fact, to the higher orders of society rather than to the lower. The advantages of leisure, of education, of more instructive pursuits, of more instructive society, must and do produce an effect. A writer of very democratic

<sup>1</sup> M. Guizot, *Essai sur les Origines du Gouvernement représentatif*.

leanings has observed, that 'there is an unconquerable, and, to a certain extent, beneficial proneness in man to rely on the judgment and authority of those who are elevated above himself in rank and riches, from the irresistible associations of the human mind; a feeling of respect and deference is entertained for a superior in station which enhances and exalts all his good qualities, gives more grace to his thoughts, more wisdom to his opinions, more weight to his judgment, more excellence to his virtues. . . . Hence the elevated men of society will always maintain an ascendancy which, without any direct exertion of influence, will affect the result of popular elections; and when to this are added the capabilities which they possess, or ought to possess, from their superior intelligence, of impressing their own opinions on other classes, it will be evident that if any sort of control were justifiable, it would be superfluous for any good purpose.'<sup>1</sup> There are individual exceptions; but in questions of this magnitude we must speak broadly: and we may say that political intelligence will in general exist rather in the educated classes than in the less educated, rather in the rich than the poor; and not only that it will exist, but that it will, in the absence of misleading feelings, be *felt* by both parties to exist.

We have quoted the above passage for more reasons

<sup>1</sup> Bailey on Representative Government; quoted in Sir G. Lewis's 'Essay on the Influence of Authority in Matters of Opinion,' p. 228.

than one. It not only gives an appropriate description of the popular association of superiority in judgment with superiority in station, but it draws from the fact of that association an inference which would be very important if it were correct. It says, in substance, that as the higher orders are felt by the lower to be more capable of governing, they will be chosen by the lower, if the latter are left free to choose; that, therefore, no matter how democratic the government—in fact, the more democratic the government, the surer are the upper orders to lead. But experience shows that this is an error. If the acquisition of power is left to the unconscious working of the natural influences of society, the rich and the cultivated will certainly acquire it; they obtain it insensibly, gradually, and without the poorer orders knowing that they are obtaining it. But the result is different when, by the operation of a purely democratic constitution, the selection of rulers is submitted to the direct vote of the populace. The lower orders are then told that they are perfectly able to judge; demagogues assert it to them without ceasing: the constitution itself is appealed to as an incontrovertible witness to the fact; as it has placed the supreme power in the hands of the lower and more numerous classes, it would be contravening it to suppose that the real superiority was in the higher and fewer. Moreover, when men are expressly asked to acknowledge their superiors, they are by no

means always inclined to do so. They do not object to yield a mute observance, but they refuse a definite act of homage. They will obey, but they will not *say* that they will obey. In consequence, history teaches that under a democratic government those who speak the feelings of the majority themselves, have a greater chance of being chosen to rule, than any of the higher orders, who, under another form of government, would be admitted to be the better judges. The natural effect of such a government is to mislead the poor.

We have no room to notice the specific evils which would accrue from the adoption of an unmingled democratic constitution. One, however, which has not been quite appreciated follows naturally from the remarks we have made. There is a risk of vulgarizing the whole tone, method, and conduct of public business. We see how completely this has been done in America; a country far more fitted, at least in the northern States, for the democratic experiment than any old country can be. Nor must we imagine that this vulgarity of tone is a mere external expression, not affecting the substance of what is thought, or interfering with the policy of the nation. No defect really eats away so soon the political ability of a nation. A vulgar tone of discussion disgusts cultivated minds with the subject of politics; they will not apply themselves to master a topic which, besides its natural difficulties, is encumbered with disgusting phrases,

low arguments, and the undisguised language of coarse selfishness. We all know how we should like to interfere in ward elections, borough politics, or any public matter over which a constant habit of half-educated discussion has diffused an atmosphere of deterring associations. A high morality, too, shrinks with the inevitable shyness of superiority from intruding itself into the presence of low debates. The inevitable consequence of vulgarizing our Parliament would be the deterioration of public opinion, not only in its more refined elements, but in all the tangible benefits we derive from the application to politics of thoroughly cultivated minds.

We can only allude briefly to the refutation of the purely democratic theory with which the facts of English history supply us. It is frequently something like pedantry when reference is made to the origin of the House of Commons as a source of *data* for deciding on the proper constitution for it now. What might have been a proper constitution for it when it was an inconsiderable part of the government, may be a most improper one now that it is the ruling part. Still, one brief remark may be advanced as to the early history of our representative system, which will have an important reference to the topic. 'Whilst,' writes one of our soundest constitutional antiquaries, 'boroughs were thus reluctant to return members, and burgesses disinclined to serve in that capacity, the sheriffs assumed a right of sending or omitting precepts



at their pleasure. Where boroughs were unwilling or unable to send representatives, the sheriff, from favour or indulgence, withheld the precept, which in strictness he was bound to issue, and thus acquired a discretionary power of settling what places were to elect, and what places were not to elect, members of Parliament. In his return to the writ of summons, he sometimes reported that he had sent his precept to a borough, but had received no answer to it. Sometimes he asserted, without the slightest regard to truth, that there were no more cities or boroughs in his bailiwick than those mentioned in his return. At other times he qualified this assertion by adding that there were none fit to send members to Parliament, or that could be induced to send them. No notice seems ever to have been taken of these proceedings of the sheriffs; nor is there the slightest ground for suspecting that in the exercise of his discretionary power he was directed by any secret instructions from the king and council: "I have never seen or heard," says Brady, "of any particular directions from the king and council or others to the sheriffs, for sending their precepts to this or that borough only and not to others." *Provided there was a sufficient attendance of members for the public business, the government seem to have been indifferent to the number that came, or to the number of places from which they were sent.*<sup>1</sup> The

<sup>1</sup> Allen on Parliamentary Reform, 1832.

public business of that time was different from the public business which is now transacted by Parliament; but we may paraphrase the sentence into one that is applicable to us. Provided we have a House of Commons coinciding in opinion with the general mass of the public, and containing representatives competent to express the peculiar sentiments of all peculiar classes, we have provided for our 'public business;' we need not trouble ourselves much further, we shall have attained all reasonable objects of desire, and established a polity with which we may be content.

The most obvious way of attempting this is, to represent, or attempt to represent, intelligence directly. The simplest plan of embodying public opinion in a legislature, is to give a special representation in that legislature, to the politically intelligent persons who create that opinion. To attain this end directly is, however, impossible. There is no test of intelligence which a revising barrister could examine, on which attorneys could argue before him. The absurdity of the idea is only rendered more evident by the few proposals which are made in the hope of realizing it. Mr. Holyoake proposes that the franchise should be given to those who could pass a political examination; an examination, that is, in some standard text-book—Mill's *Principles of Political Economy*, or some work of equal reputation. But it does not need to be explained that this would

enfranchise extremely few people in a country. Only a few persons give, or can give, a scientific attention to politics; and very many who cannot, are in every respect competent to give their votes as electors, and even to serve as representatives. It is probable that the adoption of such an examination suffrage, in addition to the kinds of suffrage which exist now, would not add one per cent. to the present constituencies; and that if it were made a necessary qualification for the possession of a vote, we should thereby disfranchise ninety-nine hundredths of the country. A second proposal with the same object is, to give votes to all members of 'learned societies.' But this would be contemptibly futile. There is no security whatever that members of learned societies should be really learned. They are close corporations; and the only check on the admission of improper persons in future is the discretion of those who have been admitted already. At present most members of such societies undoubtedly have an interest in the objects for which they were formed; but create a political motive, and a skilful parliamentary agent will soon fill the lists with the names of persons not celebrated for scientific learning, but who know how to vote correctly upon occasion. The idea of a direct representation of intelligence wholly fails from the non-existence of a visible criterion of that intelligence. All that can be done in this direction must be effected by a gradual extension of the principle which

has given members to our Universities. No one can obtain admission to these bodies without a prolonged course of study, or without passing a strict examination in several subjects. This is a kind of franchise not to be manufactured; it is only obtained as a collateral advantage, by persons who are in pursuit of quite different objects. Such bodies, however, are obviously few, and such kinds of franchise are necessarily limited. But they should be extended as far as possible; and as many such bodies as can be found will tend to supply us with an additional mode of giving a representation to cultivation and refinement—an object which we noticed as one of the desirable ends apparently least provided for by the letter of our present system.<sup>1</sup>

The criteria by which a franchise can be determined must have two characteristics. They must be evident and conspicuous—tests about which there can be no question. Our registration courts cannot decide meta-

<sup>1</sup> In relation to this subject, we must call special attention to the claims of the University of London and of the Scotch Universities to representation in Parliament. The former University had a distinct pledge from the government which founded it that it should be placed on an equality in every respect with Oxford and Cambridge. And such Universities would not only introduce additional representatives of intellectual culture into the House of Commons, but representatives also of *free* intellectual culture, as distinguished from the representatives of the ecclesiastical culture of the older Universities. Mr. Bright has reproached the members for Oxford and Cambridge Universities with their habitual antagonism to Reform. This is, we fear, a true accusation. At a time when educational questions are engrossing a larger and larger share of public attention, an adequate representation of *liberal* intellectual culture is most desirable in the House of Commons.

physical niceties; our machinery must be tough, if it is to stand the wear and tear of eager contests. Secondly, as we have explained, such criteria must be difficult to manufacture for a political object. Our tests must not be counterfeited, and they must be conspicuous. These two requirements nearly confine us to a property qualification. Property is, indeed, a very imperfect test of intelligence; but it is some test. If it has been inherited, it guarantees education; if acquired, it guarantees ability. Either way it assures us of something. In all countries where anything has prevailed short of manhood suffrage, the principal limitation has been founded on criteria derived from property. And it is very important to observe that there is a special appropriateness in the selection. Property has not only a certain connection with general intelligence, but it has a peculiar connection with *political* intelligence. It is a great guide to a good judgment to have much to lose by a bad judgment. Generally speaking, the welfare of a country will be most dear to those who are well off there. Some considerations, it is true, may limit this principle: great wealth has an emasculating tendency; the knowledge that they have much at stake may make men timid in action, and too anxious, for the successful discharge of high duties: still the broad conclusion is unaffected, that the possession of property is not only an indication of general mind, but has a peculiar tendency to generate *political mind*.

Similar considerations limit the kinds of property to be selected. Our property qualification must be conspicuous and uncreateable. Real property—houses and land—on which our present qualification is based, possess these elements in a pre-eminent degree. We think, however, that they are not the only kinds of property which now in a sufficient degree possess these requirements. They probably were so formerly; but one of the most important alterations in our social condition is the change in the nature of much of our wealth. The growth of what lawyers call personal property has of late years been enormous. Railway shares, canal shares, public funds, bank shares, debentures without number, are only instances of what we mean. Great industrial undertakings are a feature in our age, and it is fitting that a share in them should give a franchise as much as an estate in land. Two conditions only would be necessary to be observed. First, the property must be substantial, as it is called; that is to say, it should be remunerative. Property which does not yield an income is not sufficiently tangible for the purposes of a qualification: men of business may say it is *about* to yield a dividend; but this is always open to infinite argument. It would be necessary to provide that the business property to be represented should have been for a moderate period—say three years—properly remunerative; no one should register for such property unless it had for that period

paid a regular interest. Secondly, such property should have been in the possession of the person wishing to register an account of it for at least an equal previous period. This is necessary to prevent the creation of fictitious votes. Real property is, indeed, exposed to this danger; but the occupancy of houses and lands is a very visible fact, and acts of ownership over the soil are tolerably well known on the spot. It is therefore somewhat difficult to create fictitious tenancies or freeholds. In the case of share-property there is no equal check. The only precaution which can be taken is, to make the pecuniary risk of those who try to create such votes as large as possible. If it be required that the property be registered for a moderate period in the company's books as belonging to the person who claims to vote in respect of it, that person must have during that time the sole right to receive the dividends, and the shares will be liable for all his debts. If a real owner chooses to put a nominal one in this position, he does it at the risk of both principal and income.

We have, then, arrived at the end of another division of our subject. We have shown that the democratic theory is erroneous, and that the consequences of acting upon it would be pernicious. We have discussed the most plausible schemes which have been suggested for testing political intelligence, and we have found reason to think that a property qualification is the best of those

modes. It has incidentally appeared that the property qualification which at present exists in England is defective, because it only takes cognisance of a single kind of property. We may now resume the thread of our discussion, which we laid aside to show the errors of the democratic theory. We proceed to indicate how the defects which have been proved to be parts of our existing system of representation can be remedied without impairing its characteristic excellence, without destroying a legislature which is in tolerable conformity with intelligent opinion.

The first defect which we noticed was, that the existing system takes no account of the views and feelings of the working classes, and affords no means for their expression. How, then, can this be supplied? It is evident that this end can only be approached in two ways; we may give to the working classes a *little* influence in all constituencies, or we may give them a good deal of influence in a few constituencies. By the conditions of the problem they are to have some power in the country, but not all the power; and these are the only two modes in which that end can be effected.

The objection to the first plan is in the nature of a dilemma. Either your arrangements give to the working classes a sufficient power to enable them to decide the choice of the member, or they do not. If they do, they make these classes absolute in the State. If the



degree of influence which you grant to them in *every* constituency is sufficient to enable them to choose the representative for that constituency, you have conferred on these inferior classes the unlimited control of the nation. On the other hand, if the degree of influence you give to the poorer classes is not sufficient to enable them to control the choice of any members, you have done nothing. There will be no persons in Parliament inclined by nature and empowered by authority to express their sentiments; their voice will be as much unheard in Parliament as it is now. If the poor are to have a diffused influence in all constituencies, it must be either a great one or a small one. A small one will amount only to the right of voting for a candidate who is *not* elected; a great one will, in reality, be the establishment of democracy.

We shall see the truth of this remark more distinctly if we look a little in detail at one or two of the plans which are proposed with this object. Perhaps the most remarkable of these is that which is at present in operation in Prussia. The suffrage there is very diffused; it amounts to something very like manhood suffrage. But the influence of the lower classes is limited in this way: the constituency is divided into classes according to the amount of direct taxation they respectively pay. The names of those voters who pay the highest amount of tax are put together till a third part of the whole amount

of direct taxes paid by the electoral district has been reached. These form the first class. Again, as many names are taken as will make up another third of the same total taxation; and these form the second class. The third class is formed of all the rest, and each class has an equal vote. By this expedient a few very rich persons in class 1, and a moderate number of moderately rich persons in class 2, have each of them as much influence as the entire number of the poorer orders in class 3. In Prussia a system of double representation has also been adopted, and for that purpose the constituency is divided into sections. But we need not confuse ourselves with prolix detail; the principle is all which is to the purpose. The effect of the plan is evident; it is equivalent to giving to the working classes *one-third* of the influence in every constituency, and no more than one-third. But it is evident that this arrangement not only gives no security for the return of a satisfactory spokesman for the lower orders, but that it provides that no such spokesman shall be returned. The two superior classes are two-thirds of the constituency, and they will take effectual care that no member animated solely with the views of the other third shall ever be elected. So far as class feeling goes, the power given to the lower orders is only the power of voting in a perpetual minority. Undoubtedly, in case of a division between the two superior classes, the lower orders would hold the balance; they

would have the power in all constituencies of deciding who should and who should not be the member. But this is not the kind of influence which we have shown it to be desirable that the lower orders should possess. Nothing can be more remote from their proper sphere than the position of arbitrator between the conflicting views of two classes above them. We wish that they should have a few members to express their feelings; we do not wish that they should decide on the critical controversies of their educated fellow-subjects — that they should determine by a casting and final vote the policy of the nation.

Another plan suggested is, that the lower orders should have a single vote, and that persons possessed of property should have a second vote. But statistics show that the power which this would give to the lower orders would be enormous. For example, if it should be enacted that all persons living in houses rated at less than £10 shall have one vote, and that those living in houses rated at more than £10, two votes, we should have—

990,000 living in houses of £10 and more than £10	} with 1,980,000 votes,
2,280,000 living in houses under £10 . . .	
	with 2,280,000 votes;

giving a clear majority throughout the country to the lowest class of rate-payers; and that majority would of course be much augmented if we conferred (as the advocates of manhood suffrage propose) a vote on every

adult male in the country, whether he paid rates or not. The inevitable effect of this plan would be to give an authoritative control to the poorer classes. We might, indeed, try to obviate this by giving a still greater number of votes, say three or four, to the richer class; but then we should reduce the poorer class to an impotent minority throughout the country. In the first case, they would have the power of returning nearly all the members of the legislature; in the second, they would not as a class, or with an irresistible influence, return any.

Another scheme, proposed with this object, at least in part, is the 'representation of minorities,' as it is commonly called. This is to be attained by the ingenious device of making the number of votes to be possessed by each constituent less than the number of members to be returned by the constituency.<sup>1</sup> The consequence is inevitable: an ascertainable minority of the constituency, by voting for a single candidate only, can effectually secure his election. Thus, if the number of members is three and the number of votes two, any fraction of the constituency greater than two-fifths can be sure of returning a member, if they are in earnest enough on the matter to vote for him only. The proof of this is, that a minority of two-fifths will have exactly as many votes to

<sup>1</sup> This was the scheme actually adopted in the Reform Bill of 1867, in the case of all constituencies returning more than two members.—ED.

give to one member as the remaining three-fifths have to give to each of three members. If the constituency be 5000, a minority of two-fifths of the electors, or 2000, would have 2000 votes to give to a single candidate; the remaining 3000 would have only 6000 votes to divide between three candidates, which is only 2000 for each. A minority at all greater than 2000, therefore, would, if it managed properly, be certain to return a member. The objection to this plan is, that it would rather tend to give us a Parliament principally elected by the lower orders, with special members among them to express the sentiments of the wealthier classes, than a Parliament generally agreeing with the wealthier classes, and containing special representatives for the lower: the principal representation is almost by express legislation given to the more numerous classes; a less to the minority. It would not solve the problem of giving a certain power to the lower orders, and yet not giving them a predominant power. In the case which we have supposed of a constituency with three members and two votes, the minority also would be a larger one than the richer classes can permanently hope to constitute in the country. Two-fifths of a great town must necessarily include many of the poorer, less cultivated, and less competent. We must remember, also, that the disproportion in number between rich and poor, even between the decidedly poor and the rather wealthy, tends to augment. Society increases

most rapidly at its lower end; the wide base extends faster than the narrower summit. At present persons living in 'ten-pound houses,' or upwards, are something like 21 per cent. of the adult males in the nation, and about 30 per cent. of the rate-paying population. But in process of time the inevitable increase of the humbler orders will reduce them to a far more scanty proportion. The operation of the plan might become even more defective if it were combined, as is often proposed, with an increase of the number of members returned by the constituencies to which it is to be applied. If four members were given to a populous constituency, and each elector were to have three votes, it would require that the minority should be more than three-sevenths<sup>1</sup> of the constituency, to enable it to be certain of returning a candidate. The rich and educated cannot expect to remain so large a fraction of the nation as this; they are not so now.

The most plausible way of embodying the minority principle in action would be to give only one vote to each person, and only *two* members to the constituency. In this case, any minority greater than one-third of the constituency would be sure of returning a member; and as

<sup>1</sup> The rule is, that a minority, to be certain of electing its candidate, must be more than that fraction of the constituency, which may be expressed as follows:—

The number of votes.

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The number of members + the number of votes.

this fraction is smaller than those we have mentioned, it would evidently be more suitable to the inevitable fewness of the rich and intelligent. But even this plan would give half the members of the country to the least capable class of voters; and it would have the additional disadvantage of establishing a poor-class member and rich-class member side by side in the same constituency, which would evidently be likely to excite keen jealousy and perpetual local bitterness.

We believe, indeed, that it was an after-thought in the advocates of 'minority representation,' to propose it as a means of giving some, but not too much, representation to the poor. Its name shows that it was originally devised as a means of giving a representation to minorities *as such*. The extreme case used to be suggested of a party which had a very large minority in every constituency, but which had not a majority in any, and had not therefore any share in the representation. It cannot be denied that such a case might occur: but if the constituencies be, as they should be, of varied kinds, it is very unlikely; and in politics, any contingency that is very unlikely ought never to be thought of; the problems of practical government are quite sufficiently complicated, if those who have the responsibility of solving them deal only with difficulties which are imminent and dangers which are probable. But in the actual working of affairs, and irrespectively of any case so extreme as that which

is put forward, the elimination of minorities which takes place at general elections is a process highly beneficial. It is decidedly advantageous that every active or intelligent minority should have adequate spokesmen in the legislature ; but it is often not desirable that it should be represented there in exact proportion to its national importance. A very considerable number of by no means unimportant persons rather disapproved of the war with Russia ; but their views were very inadequately represented in the votes of Parliament, though a few able men adequately expressed their characteristic sentiments. And this was as it should be. The judgment of the Parliament ought always to be coincident with the opinion of the nation ; it is extremely important that it should not be less decided. Very frequently it is of less importance which of two courses be selected than that the one which is selected should be consistently adhered to and energetically carried through. If every minority had exactly as much weight in Parliament as it has in the nation, there might be a risk of indecision. Members of Parliament are apt enough to deviate from the plain decisive path, from vanity, from a wish to be original, from a nervous conscientiousness. They are subject to special temptations, which make their decisions less simple and consistent than the nation's. We need a counteracting influence ; and it will be no subject for regret if that influence be tolerably strong. It is, therefore, no dis-



advantage, but the contrary, that a diffused minority in the country is in general rather inadequately represented. A strong conviction in the ruling power will give it strength of volition. The House of Commons should think as the nation thinks ; but it should think so rather more strongly, and with somewhat less of wavering.

It was necessary to discuss this aspect of the minority principle, though it may seem a deviation from the investigation into the best mode of giving a due but not an undue influence to the working classes. The advocates of that principle generally consider its giving a proper, and not more than a proper, degree of power to the poor as a subordinate and incidental advantage in a scheme which for other reasons ought to be adopted ; it was therefore desirable to prove that no such other reasons exist, as well as that it would very imperfectly, if at all, tend to place the working classes in the position we desire.

Some persons have imagined that the enfranchisement of all the lower orders may be obtained without its attendant consequence, the disfranchisement of other classes, by means of the system of 'double representation,' which gives to the primary electors only the power of nominating certain choosers, or secondary electors, who are to select the ultimate representative. This proposal was made by Hume many years ago ; it formed part of more than one of the earlier French constitutions ; and

it is now being tried, as we have observed, in Prussia. We have an example of its effects likewise in a part of the constitution of the United States. Although, therefore, we may not have quite so full a trial of the proposed machinery as we could wish, we have some experience of it. The most obvious objection to it is, that it gives to the working classes the theoretical supremacy as much as a scheme of single representation. Whether the working classes choose the member of Parliament, or whether they choose an intermediate body who are to choose the member, their power of selection will be equally uncontrolled, the overwhelming advantage derived from their numbers will be the same. It is alleged that the working classes will be more fit to choose persons who would exercise an intermediate suffrage; that they could choose persons in their own neighbourhood well known to them, and for whom they had a respect; and that the ultimate representative nominated by these local worthies would be a better person than the working classes would have nominated themselves at first. And in quiet times, and before a good machinery of electioneering influence had been organized, we are inclined to believe that such would be the effect. The working classes might, in the absence of excitement and artificial stimulus, choose persons whom they knew to be better judges than themselves; and, in accordance with the theory of the scheme, would give to them a *bonâ fide* power of independent judgment. But

in times of excitement this would not be the case. The primary electors can, if they will, require from the secondary a promise that they will choose such and such members; they can exact a distinct pledge on the subject, and give their votes only to those who will take that pledge. This is actually the case in the election of the President in the United States. As a check on the anticipated inconveniences of universal suffrage, the framers of the federal constitution provided that the President should be chosen by an electoral college elected by universal suffrage, and not by the nation at large directly. In practice, however, the electoral college is a 'sham.' Its members are only chosen because they will vote that Mr. Buchanan be President, or that Colonel Fremont be President; no one cares to know anything else about them. There is no debate in the college, no exercise of discretionary judgment: they travel to Washington, and give their vote in a 'sealed envelope,' and they have no other duty to perform. According to these votes the President is elected. Such, indeed, appears the natural result wherever the lower orders take a strong interest in the selection of the ultimate members for the constituency. They have the power of absolutely determining the choice of those members; and when they care to exercise it, they will exercise it. In Prussia, as it would appear from the newspaper narrative of the recent elections, a real choice has been exercised by the Wahl-

männer—the secondary electors. But a few years of experience among a phlegmatic people are not a sufficient trial; there are as yet no parliamentary agents at Berlin. In this country, as in America, an effectual stimulus would soon be applied to the primary electors. If twenty intermediate stages were introduced, the result would be identical: a pledge would be exacted at every stage; the primary body would alone exercise a real choice, and the member would be the direct though disguised nominee of the lower orders. This scheme would everywhere, in critical times, and in *electioneering* countries at all times, give to the democracy an uncontrolled power.

An expedient has, it is true, been proposed for preventing this. It has been suggested that the secondary electors—the electoral college in the American phrase—should have other duties to perform besides that of electing the representative. Suppose, for example, that the electors at large chose a municipal town council, and that the latter elected the representative of the town in the legislature; it is thought that persons with good judgment would be chosen to ensure the due performance of the municipal duties, and that a good member of Parliament would be selected by the *bond fide* choice of those persons with good judgment. The scheme would be far too alien to English habits and traditions to be seriously proposed for adoption by this country even if its abstract theory were sound; but there is an obvious objection of

principle to it. The local duties of a municipal council are too different from that of selecting a parliamentary representative to be properly combined with them. We should probably have a town council of political partisans, as was the case before the Municipal Reform Act; and the uninteresting local duties would be sacrificed to the more interesting questions of the empire. In the real operation of the scheme very much would depend on the *time* at which the town council was elected. If it were elected simultaneously with the general election of members of Parliament, nobody would think of anything but the latter. The town councillors would be chosen to vote for the borough member, and with no regard to any other consideration. We should have a fictitious electoral college, with the added inconvenience that it would be expected to perform duties for which it was not selected, and to which it would be entirely ill-suited. On the other hand, if the town council were elected when the parliamentary election was not thought of, we might, in times of fluctuating opinion, have a marked opposition between the opinion of the town council and the opinion of the constituency. In an excitable country—and every country which takes a regular interest in politics becomes excitable—no such opposition would be endured. It would be monstrous that the member for London at a critical epoch, say when a question of war or peace was pressing for decision, should be nominated by a town

council elected some time before, when no such question was even thought of. There used in the ante-Reform Bill times to be occasional riots when the close corporations, with whom the exclusive suffrage in many boroughs then rested, made a choice not approved of by the population of the town. If this was the case when the borough councillors were only exercising an immemorial right, it will be much more likely to be so when they are but recently nominated agents, deriving their whole authority from the dissentients, and making an unpopular choice in the express name of an angry multitude. We may therefore dismiss the proposed expedient of double representation with the remark, that if the intermediate body be elected with little reference to its electoral functions, it will be little fitted for such functions; and if it is elected mainly with reference to them, it will have no independent power of choice, but be bound over to elect the exact person whom its constituents have decided to favour.

A much more plausible proposal is suggested by the recommendation which we made some pages back—that the principle which assigns the franchise to those who can show a property qualification should not be confined to real estate, but be extended to every kind of property that yielded an income and was owned *bonâ fide*. A considerable number of the working classes possess savings; not large, it is true, when contrasted with middle-class opulence, but still most important to, and

most valued by, those who have hoarded them during a lifetime. The total accumulation is likewise very large when set down in the aggregate. It has been suggested that a suffrage conferred on the owners of moneyed property would of itself enfranchise the most thrifty and careful of the working classes; and that, as these would probably be the best judging of their class, it would be needless to inquire as to the mode in which any others could obtain the franchise. There may be a question whether we do wish simply to find representatives for the best of the working classes. We are not now seeking legislators who will exercise a correct judgment, but rather spokesmen who will express popular sentiments. We need not, however, dwell on this, as there is a more conclusive objection to the plan proposed. Unfortunately, the savings of the working classes are not invested in a form which would be suitable for political purposes. The most pressing need of the poor is a provision for failing health and for old age. They most properly endeavour to satisfy this by subscribing to 'benefit societies' or other similar clubs, which, in consideration of a certain periodical payment, guarantee support during sickness, or a sum of money in case of decease. Now this life and health insurance wants all the criteria of a good property qualification. There is no test of its *bond fides*. Simulated qualifications might be manufactured by any skilful attorney. The periodical payment might be easily repaid

on pretence of sickness; and it would be perfectly impossible for any revising barrister to detect the fraud. There would be no security that the periodical premium even belonged to the poor man; it might be lent him, and with little risk, by his richer neighbour. Electioneering has conquered many difficulties. It would be easy to have an understanding that the secretary to the society, the clerk of the electioneering attorney, should see that the premium was soon repaid, in name to the poor subscriber, and in fact to the vote-making capitalist. The finances of some of these societies have never been in the best order; and there would be very great difficulty in tracking even a gross electioneering fraud. Perhaps no practical man will question but that the manipulation of a borough attorney would soon change the character of a 'benefit society;' it would cease to be, as now, the repository of the real savings of the best working men; it would become a cheap and sure machinery for creating votes in the name of the most corruptible. So large a portion of the savings of thrifty operatives are most properly laid by in these insurance associations, that it is scarcely likely that a moneyed property qualification would give a vote to a considerable proportion even of the very best of them. A few would be admitted by giving the franchise to those who left a certain sum in a savings-bank for a certain time; but, to prevent fraud, that time must be considerable, and careful returns, pre-



pared for Lord John Russell's Reform Bill, are said to show that the number enfranchised would be even fewer than might have been expected. At any rate, it would not be safe to rely on such a franchise for creating a parliamentary organ for the lower classes. Those enfranchised by it would be scattered through a hundred constituencies. There would be no certainty that even one member in the House would speak their sentiments. Moreover, we have doubts whether a constituency composed only of operatives who had a considerable sum in the savings-bank after providing, as in all likelihood they would have done, for the wants of their families in case of their death and sickness, would not rather have the feelings of petty capitalists than of skilled labourers. Those who have just risen above a class can scarcely be relied on for giving expression to its characteristic opinions. However, as it would be scarcely possible to create such a constituency, there is no reason for prolonging an anticipatory discussion on its tendencies. On the whole, therefore, we must, though rather against our wishes, discard the idea of creating a working-class franchise by an extension of the suffrage qualification to all kinds of property. A careful examination appears to show that we could not obtain in that way a characteristic expression for the wants of the masses.

These are the principal schemes which have been proposed for adding to the legislature some proper

spokesmen of the wants of the lower classes by giving to those classes *some* influence in every constituency. Our survey of them has confirmed the anticipation with which we set out. The dilemma remains. Either the influence is great enough to determine the choice of the member, or it is not: if it is not, no spokesmen for the working classes will be elected; if it is, no one not thoroughly imbued with the views and sentiments of the lower orders would be chosen,—we should have a democracy.

As this, the first of the only two possible expedients, has failed us, we turn with anxiety to the second. Since it does not seem possible to procure spokesmen for the working classes by a uniform franchise in all constituencies, is it possible to do so by a varying franchise, which shall give votes according to one criterion in one town, and to another criterion in another town? It evidently *is* possible. Whether there are any counter-vailing objections is a question for discussion, but of the possibility there cannot be a doubt. If all the adult males in Stafford have votes, then the member for Stafford will be elected by universal suffrage; he will be the organ of the lower orders of that place. Supposing that place to be subject in this respect to no important local anomaly, the lower orders there will be like the corresponding classes elsewhere. By taking a fair number of such towns, we may secure ourselves from the

mischievous results of local irregularities; we can secure a fair number of spokesmen for the lower orders.

The scheme is not only possible, but has been tried, and in this country. Before the Reform Bill of 1832 there was a great disparity in the suffrage qualification of different constituencies. 'A variety of rights of suffrage,' said Sir James Mackintosh, in 1818,<sup>1</sup> 'is the principle of the English representation;' and he went on to enumerate the various modes in which it might be obtained—by freehold property, by burgage tenure, by payment of scot and lot, etc. The peculiar circumstances of 1832 made it necessary, or seemingly necessary, to abolish these contrasted qualifications. Great abuses prevailed in them, and it would have been difficult to adjust remedies for the removal of those abuses. The great requirement of the moment was a simple bill. During a semi-revolution there was no time for nice reasonings. Something universally intelligible was to be found. The enthusiasm of the country must be concentrated 'on the whole bill and nothing but the bill.' We must not judge the tumult of that time by the quietude of our own.

At a calmer moment the more philosophic of liberal statesmen were, however, aware of the advantages of the machinery which they were afterwards compelled to

<sup>1</sup> *Edinburgh Review*, No. LXI., article 'Universal Suffrage;' an admirable essay, singularly worth reading at present.

destroy. The essay of Sir James Mackintosh, to which we have referred, appeared in the *Edinburgh Review*, and was considered at the time as an authoritative exposition of liberal doctrine : and almost the whole of it is devoted to a proof that this system of varying qualification is preferable, not only to universal suffrage, but to *any* uniform 'right of franchise.' On the point we are particularly considering, he says : 'For resistance to oppression, it is peculiarly necessary that the lower, and in some places the lowest, classes should possess the right of suffrage. Their rights would otherwise be less protected than those of any other class : for some individuals of every other class would generally find admittance into the legislature ; or, at least, there is no other class which is not connected with some of its members. Some sameness of interest, and some fellow-feeling, would therefore protect every other class, even if not directly represented. But in the uneducated classes, none can either sit in a representative assembly, or be connected on an equal footing with its members. The right of suffrage, therefore, is the only means by which they can make their voice heard in its deliberations. They also often send to a representative assembly members whose character is an important element in its composition—men of popular talents, principles, and feelings ; quick in suspecting oppression, bold in resisting it ; not thinking favourably of the powerful ; listening, almost with

credulity, to the complaints of the humble and the feeble ; and impelled by ambition, where they are not prompted by generosity, to be the champions of the defenceless. It is nothing to say that such men require to be checked and restrained by others of a different character ; this may be truly said of every other class. It is to no purpose to observe, that an assembly exclusively composed of them would be ill fitted for the duties of legislation ; for the same observation would be perfectly applicable to any other of those bodies which make useful parts of a mixed and various assembly.' Sir James had evidently the words of the member for Westminster sounding in his ears. His words are not an expression of merely speculative approbation ; they are a copy from the life.

An authority still more remarkable remains. Lord John Russell, in 1821, expressed a very decided opinion on the advantages of having a different scale of property qualification in different places, and rather boldly grappled with an obvious objection to it. We quote the passage : ' All parts of the country, and all classes of the people, ought to have a share in elections. If this is not the case, the excluded part or class of the nation will become of no importance in the eyes of the rest : its favour will never be courted in the country, and its interests will never be vigilantly guarded in the legislature. Consequently, in proportion to the general

freedom of the community will be the discontent excited in the deprived class by the sentence of nullity and inactivity pronounced upon them. Every system of uniform suffrage except universal contains this dark blot. And universal suffrage, in pretending to avoid it, gives the whole power to the highest and the lowest, to money and to multitude; and thus disfranchises the middle class—the most disinterested, the most independent, and the most unprejudiced of all. It is not necessary, however, although every class ought to have an influence in elections, that every member of every class should have a vote. A butcher at Hackney, who gives his vote perhaps once in twelve years at an election for the county of Middlesex, has scarcely any advantage over another butcher at the same place who has no vote at all. And even if he had, the interest of the State is in these matters the chief thing to be consulted; and that is as well served by the suffrage of some of each class, as by that of all of each class.' The necessary effect of the Act of 1832 has been to make us forget the value of what the authors of it considered a most beneficial part of our representative system. That such great statesmen should have pronounced such panegyrics on the diversity of qualifications in different constituencies, when it was a living reality before their eyes, shows at least that it is practicable and possible.

The plan is, indeed, liable to several objections: it is

not to be expected that in a complicated subject any scheme which is absolutely free even from serious inconveniences could be suggested. By far the most popular objection is that which Lord John Russell noticed in the passage we have just cited. There is a sense of unfairness in the project. Why should an artisan in Liverpool have a vote, and an artisan in Macclesfield no vote? Why should the richer classes in one constituency be disfranchised by the wholesale admission of their poorer neighbours, and the richer classes in another constituency not be so disfranchised? The answer is suggested by a portion of our preceding remarks. No one has a right, as we have seen, to any portion of political power which he cannot exercise without preventing some others from exercising better that or some greater power. If all the operatives in the great towns were enfranchised, they would prevent the higher classes from exercising any power: and this is the reply to the unenfranchised artisan in Macclesfield. If there were no representatives of the working classes in Parliament, its measures might be less beneficial, and its debates would be imperfect; the higher classes in some great towns must have less power than in some other great towns, because a uniform suffrage impedes the beneficial work of Parliament, and prevents the ruling legislature from exercising its nearly omnipotent power well and justly. To have a good Parliament, we must disfranchise some good constituents. Perhaps,

indeed, the whole difficulty is overrated. We see every day that, so far as the middle classes are concerned, it is of no perceptible consequence to the individual whether he has a vote or not: it is of great consequence to him that the supreme legislature should accord with the views of his class and himself; but whether he has voted for any particular member of that legislature is a trifle. We never dream in society of asking whether the person we are talking to has a vote or not. Both live, and live equally, in the atmosphere of politics. Similarly, it is of great importance to the lower classes that their feelings should be sufficiently expressed in Parliament; but which of them votes for the person who should express them is of no consequence at all. The non-voter ought to take as much interest in politics as the voter. When *all* of a class cannot exercise power without impeding a more qualified class, we may select, from considerations of convenience, those members of the less qualified class who are to have power. There is no injustice in allowing expediency to adjust the claims of persons similarly entitled.

It may also be objected that this plan of representing the lower classes does not give them the general instruction which the exercise of the suffrage is supposed to bestow. An unenfranchised artisan in Macclesfield is not educated by giving the suffrage to an artisan in Manchester. But it is a mistake to suppose that there is much, if any, instruction in the personal exercise of



the franchise. Popular elections have no doubt a didactic influence on the community at large; they diffuse an interest in great affairs through the country; but the elevating effect of giving a vote is always infinitesimally small. Among the lower classes it is a question whether the risk of moral deterioration does not quite balance the hope of moral elevation. Popular institutions educate by the intellectual atmosphere which they constantly create, and not by the occasional decisions which they require. And were it otherwise, intellectual instruction is but a secondary benefit of popular government; and we must not throw away, in the hope of increasing it, the primary advantage of being well governed. We believe too that, in fact, mere existence under a good government is more instructive than the power of now and then contributing to a bad government.

We are more afraid of the objection that this inequality of suffrage in otherwise similar constituencies is an anomaly which may grow up imperceptibly, as it did before the Reform Bill, but cannot now be created *de novo*. We admit the difficulty: we are well aware that this inequality, like every other expedient in politics to which the objections are apparent and the advantages latent, is far easier to preserve than to originate. But when great interests are at stake, we should only give up that which is impossible; what is merely difficult should be done. Moreover, a little examination will, we

think, show that the obstacles are far slighter than they might seem at first sight.

From this point of view it is worth remarking, that the inequality of suffrage qualification to a certain extent still exists. The effect of the Reform Act has been to hide and diminish, but not to annihilate, the inequalities which existed before. The constituencies in which these inequalities existed were naturally opposed to their abolition, and a compromise was effected. All persons duly qualified to vote on the 7th of June, 1832, were to retain their right for life, subject to certain conditions of residence and registration. In all boroughs, likewise, in which freedom of the borough, whether acquired by birth or servitude prescriptively, gave a vote, that franchise was to a certain extent retained. The freemen of such boroughs have votes now just as before, and freedom can be acquired in the same way : no change on this point was effected in 1832, except that a borough franchise so obtained is forfeited by non-residence in the borough. The number of these anomalous votes is still very considerable. Mr. Newmarch has shown that in 1853 it amounted to 60,565, which is more than one-seventh of 400,000, the number (or nearly so) of borough electors at that time. We have therefore a very considerable amount of inequality in our present system ; we should scarcely propose to increase it, but to distribute it more usefully.

The freemen of Coventry, Derby, Leicester, are not a class of whom we wish to undertake the defence ; and in many towns the existence of those old rights is a recognized nuisance. We are not prepared to approve *all* anomalies in our representation. Our principles are especially opposed to the enfranchisement of favoured individuals in minor towns—few enough to be bought, corruptible enough to wish to be bought ; who are not in general the majority of the constituency, but who exercise important influence because they can throw in a purchasable balance of votes on critical occasions ; who are in no respect fair representatives of the working classes, who do not return to the house a single fit person willing to be spokesman for them. We argue merely that the effect of the Act of 1832 has only been to diminish the inequality of suffrage qualification before existing ; and by no means to establish, even if a single act of Parliament could have so done, the erroneous principle that there is to be no inequality.

But the most effectual way of showing that it is possible to create *de novo* a beneficial variety of property qualifications, is to point out how it can be done. If it be admitted that we should found working-class constituencies, it is clear that we should found them where the working classes live. This is of course in the great seats of industry, where work is plentiful and constant. Those who reside in such towns are likewise

the most political part of the class: the agricultural labourers, scattered in rural parishes, with low wages and little knowledge, have no views and no sentiments which admit of parliamentary expression; they have no political thoughts. If we wish to give due expression, and not more than due expression, to the ideas of the democracy, we must select some few of the very largest towns, where its characteristic elements are most congregated. It would have been more fortunate if these towns had acquired such a franchise prescriptively; but it would have been all but miraculous if such had been the case. Many of our greatest towns are situated in what, in more purely agricultural times, were very uninfluential districts; we must not expect an hereditary franchise for newly-created interests. As it is necessary to have a rule of selection, the best which can be suggested is the rule of population; we would propose, therefore, that in the very largest towns in England<sup>1</sup> there should be

<sup>1</sup> It may, indeed, be objected that these large constituencies are just the ones in which a rate-paying franchise would have the most conclusively democratic effect; and that if we concede it as to these, it is not worth while to resist it with respect to others in which we might hope, by the influence of wealth and social standing, to counteract more or less its democratic tendency. But facts show that in an immense number of constituencies these influences could not control that tendency effectually. If an Act giving votes to all rate-payers be ever passed, it will probably be accompanied by a readjustment of the electoral districts on a democratic principle, which would augment the influence of mere numbers. But we need not consider this, since the introduction of the rate-paying franchise into our present constituencies would introduce a new element, much too large to be easily managed by indirect influences. It is of course not known exactly how large that new element would be; but

what Mr. Bright advocates for all towns, a rate-paying franchise. If this were extended to all towns having more than 75,000 inhabitants, it would include at present London, Liverpool, Manchester, the Tower Hamlets, Marylebone, Finsbury, Bristol, Birmingham, Lambeth, Westminster, Leeds, Sheffield, Wolverhampton, Southwark, Greenwich, Bradford, Newcastle-on-Tyne, and Salford. If there were a *bond fide* representation of the working classes in these towns, they could not complain of a class disfranchisement; there would be adequate spokesmen for them. A member speaking the voice of places where such numbers of operatives are congregated, could speak the sentiments of that class with authority. No one could be unaware that the constituency in these large towns was ultra-democratic. The representation of the lower orders would be conspicuous as well as effectual.

Nor would the number of representatives so given to the lower classes be sufficient to deteriorate the general character of the legislature. It would not amount to forty for England and Wales, or to fifty for the United

very careful tables have been compiled of the number of inhabited houses in our present boroughs; and as the number of women rated in respect of them is no doubt small, all but a minute fraction of such houses would give a qualification to a male voter. Now it appears that in all except ten borough constituencies the number of inhabited houses was in 1852, and doubtless is still, more than double that of the present electors; and consequently the *new* element which would be introduced would greatly preponderate over, and in fact disfranchise, the old. It is evident that it would be very difficult to manage so many new voters by any indirect influences.

Kingdom; a considerable number, no doubt, but not sufficient to destroy the representative character of a house of 658 members. The House of Commons would still represent the educated classes as a whole; its opinion would still be their opinion; the performance of its ruling function would be unimpaired; and that of its expressive function would be improved.

We have dwelt so long on this part of our subject, that we shall not be able to devote as much space as we could wish to the explanation of the mode in which we think the remaining defects of our representative system should be remedied. We can only state briefly a few of the most important considerations.

The first of those defects, which we specified at the outset, is the existence of small boroughs, which are either in the hands of individual proprietors or have become in the process of time nests of corruption. We need not specify examples; the fact is sufficiently familiar. Indeed, all small boroughs in the course of years must rapidly tend towards one or other of these fates. A great deal of wealth in this country seeks to invest itself politically. A small borough of this sort necessarily contains a considerable number of corruptible individuals; year by year skilful parliamentary agents ascertain who these individuals are, and buy them. The continual temptation is too much for shop-keeping humanity; with every election the number of purchasable votes tends to

increase: one would not have yielded, only he wanted a new shop-front; another, who is proof against plate-glass, desires money to put out his son in the world. Gradually an atmosphere of corruption closes over the borough, and men of the world cease to expect purity from it. The only way in which this sort of retail purchase can be escaped is by a wholesale purchase. A rich proprietor may buy a large majority of vote-conferring properties in the borough, and so become despotic in the town. Each presentation (to borrow a phrase from the church) is not in that case sold on the day of election, because the advowson has been bought before by some one who has a use for it.

We may escape, then, the necessity of ascertaining the electoral corruption of particular boroughs, and lay it down as a general condition of permanent purity that a constituency should contain a fixed number—five hundred, suppose, electors. It is quite true that this remedy is not certainly effectual: there are many boroughs, where the enfranchised constituency exceeds this number, in which the elections are not at all what we should wish. But the tendency of such a measure is plain. It prevents the wholesale purchase by the neighbouring proprietors, because it makes the property too large for ordinary wealth to buy. It *tends* to prevent the retail purchase by increasing the supply of votes—which always lessens their market value, and in very many cases reduces it below the price which will tempt ordinary voters to

corruption. The expedient is not a perfectly effectual one, but at least it is a considerable palliative.

What, then, is to be done with boroughs below the prescribed limits? There are in England and Wales about sixty-seven members, elected by forty-two of such boroughs. What course would it be wisest to take with respect to such seats? The most easy plan in theory is to annihilate them at once, to have a new schedule A of places disfranchised. But it is easier to write such a recommendation in an essay than to carry the enactment in practice. These seats have the protective instincts of property. Money has been spent on many of them for a course of years: in all of them the present electors would vote nearly as a man against the abolition of 'themselves.' The strenuous resistance of the members for such seats must be expected to any bill which should propose to abolish them *in toto*. And such resistance would be the more effectual, because in all likelihood it would be indirect. The interested members, unless a sinister policy were unusually wanting in its characteristic acuteness, would not risk a division on the unpleasant question of abolishing or not abolishing their own seats. They would throw the probably decisive weight of their votes into the scale most inconvenient to the government proposing that abolition; would combine with every strong opposition to it; in the present state of parties, would soon reduce it to a minority. A proposal to disfranchise



many boroughs would soon issue in the resignation of the proposing government.

We must therefore assume that for the present, to some considerable extent, the influence of such boroughs must continue to exist. In 1832 there was a popular feeling which carried everything before it. Now all we can hope to carry is a compromise. As a compromise, the best expedient which we can suggest is to combine such boroughs. The English respect for vested interests would preclude the popularity of a sweeping Act; but the English liking for a moderate expedient would be a strong support to any measure that could be so called. The effect of such a combination would probably be in great part to set the joint constituency free from the yoke of great proprietors. If Lord A is supreme in borough *a*, and Mr. B in town *b*, *a* and *b* combined will probably be controlled by neither. The local feeling of *b* will resist Lord A; that of *a* would be rigid to the enticements of Mr. B. If one of the boroughs should be 'independent,' that is to say, purchased voter by voter at each election, its inhabitants would probably rather be purchased by any one than by the proprietor of the antagonistic borough. We are aware that these are not very attractive considerations; but what are we to do? *Ils ont des canons*. We must make the best terms we can with constituencies which we cannot hope entirely to destroy.

We shall be asked why we group these existing boroughs with one another, instead of combining them with new towns not now possessed of the borough franchise, which are therefore at present comparatively uncorrupt. We admit that, in some individual cases, there may be conclusive reasons for taking the latter course; but we think that there are political arguments which should disincline us from adopting it in general.

We saw reason to believe that the principal defects of our House of Commons, as a *ruling* assembly, were an excessive bias to the landed interest, and an insufficient sympathy with the growing interests of the country. On this account it is desirable not to take from the county constituencies all the liberalizing element which they at present possess; on the contrary, it would be desirable, if possible, to increase it. We should, however, weaken that liberal element very materially if, in our extreme desire to remedy borough corruption, we extracted from the constituency of the counties the inhabitants of all their larger towns. The effect of Mr. Locke King's proposal to reduce the county franchise from £50 to £10, if it should be adopted, as it probably will be, will be to augment the county influence of the towns which have no borough member. We must not counteract this tendency. As we think it desirable to diminish the *sectarian* character of our county members, we must not adopt the most effectual of all schemes for

preserving it unimpaired—we must not absorb into the boroughs all other influences save those of the country gentlemen.

Our second reason for preferring to combine the very small boroughs with one another rather than to unite each of them with some town at present unenfranchised is, that we wish to diminish the number of seats for such constituencies. If we annexed new elements to each of them, there would be a plausible argument for not diminishing their number. But, as has been explained, we wish to provide a more ample representation for the growing districts of the country; and there is a very general and well-grounded opinion that the House of Commons is already quite sufficiently numerous. In order, therefore, to increase the representation of the progressive parts of England in the proportion which seems desirable, we must take from the decaying or stationary towns of the less active parts of the country the right of sending members which they have now. On a great scale, the same plan was adopted in 1832: it was then necessary to remedy a great evil; and therefore it was necessary that the number of seats disfranchised should be great, and the number of newly enfranchised towns considerable also. As we have shown, no such enormous evil remains at present to be remedied. The judgment of Parliament coincides fairly, if not precisely, with the opinion of the nation. All we have to correct

is, a slight bias in one direction, and a perceptible but not extreme deficiency of sympathy in another. The changes we have to make, therefore, may be slight in comparison with those of 1832; still, so important is it that Parliament should really coincide in opinion with the nation, that we should take account of the beginnings of a discrepancy; while the topic of reform in our electoral system is definitely before the public, we should take the opportunity of correcting the undue inclination of the legislature towards the less active, and its contrast of feeling (which though slight is real) to the more active part of the community.

We are the more certain that it is advisable to make some such change as this, because, as we have before observed, we believe this uneasy consciousness of the less perfect representation of the progressive elements in the nation, as compared with the unprogressive, to be the secret source of almost all the slight popular enthusiasm which now exists in favour of reform. The external form of what is proposed is, indeed, different; the principal, as well as the most popular, suggestion is one for the representation of the working classes. We have no doubt that those who are at the head of that movement, as well as those who join in it, quite believe that such is their true object. But it is at least an odd undertaking to be headed by master manufacturers. Whatever view we may take of the effects of universal or of rate-paying

franchise on other parts of the nation, there can be little question that its influence would be detrimental to the power of opulent capitalists. We must alter the world before there ceases to be some opposition of feeling (there is often a momentary opposition of *interest*) between the mill-owner and his work-people. In the days of the short-time agitation both parties understood this perfectly. Even now a Parliament of capitalists would probably propose to repeal the ten-hours' bill; a Parliament of working men would very likely desire to extend its principle. To say the least, it is strange that the characteristic men of one class should be so ready to throw all power into the hands of the other.

A letter from Mr. Bright himself to a Manchester association puts the matter in a different light. 'On a great occasion,' he tells us, 'like the one now before the country, there will be differences of opinion. Some think one extent of franchise better than another. Some are for a £6 rental; some are for a £5 rental; you are for the extension of the right of voting to every man. Now I prefer to establish the parliamentary suffrage on the basis which has been tried for some centuries in our parishes, and which has been adopted at a recent period in our poor-law unions and in our municipal governments; with some needless restriction, with regard to the municipal franchise, which I would not introduce into our parliamentary franchise. The more public

opinion is freely and honestly expressed, the more distinctly will a government, engaged in preparing a Reform Bill, be able to discover which is the point likely to be most satisfactory to the public. I consider these differences of opinion on the subject as of trifling importance when compared with the question of the distribution of seats and members. *This is the vital point in the coming bill*; and unless it be well watched, you may get any amount of suffrage, and yet find, after all, that you have lost the substance, and are playing merely with the shadow of popular representation.'

This at least is an intelligible doctrine. A redistribution of seats in proportion to population would indisputably be most advantageous to Mr. Bright and his associates. Some of their school have made a calculation that sixty-three boroughs, returning eighty-five members, have not, taken together, as many electors as Manchester, which returns but two. And, independently of extreme cases, it is quite indisputable that the large towns and crowded populations of Lancashire and the West Riding would, in any grouping based on electoral numbers, assume a proportionate magnitude that would be quite different from that which they have at present. If such a readjustment could be carried, *and the present franchise retained*, the followers of Mr. Bright would be one of the most numerous divisions of the House of Commons. It is true that the advantage of their success must be shared

with the class most antagonistic to them in feeling. The county representation would have to be extended if electoral numbers, or any mere numbers, were to be taken as the guide to a new adjustment. But Mr. Bright probably does not fear a conflict with Mr. Newdegate. We can well understand that he should esteem the lowering of the franchise, which would impair his power, less important than a reappportionment of members, which must increase it.

We can spare but a few words to show the unsoundness of the principle on which the proposed readjustment is to be based; and we would hope that only a few words are needed. Mr. Bright considers it an obvious absurdity that a constituency of 1000 electors should return a member, and that another constituency with 5000 should return but one member also. Such a variety is nevertheless *prima facie* beneficial: it would be a probable sign of the complete imperfection of an electoral organization if every constituency in it were equally numerous. All such systems must tend to give undue preponderance to some classes, and to deny, not only substantial influence, but even bare expression, to the views of other classes. If the nation be homogeneous, equal patches of population will tend to return similar members. The more numerous the constituency, the more likely is this to be the result. Thousand A *may* differ from Thousand B; but Million A will assuredly be identical with Million

B. The doctrine of chances forbids us to expect contrasted representatives from constituencies with a family likeness. If, indeed, the nation should not be homogeneous, but should contain two very numerous classes of unlike tendencies, whose harmony is preserved by the continual arbitration of less numerous classes intermediate between them, the result of an equal division of electoral districts would be different, and it would be worse. Each of the intermediate classes would be merged in one of the larger. We may, however, look at the living operation, and not at the bare theory. We have mentioned the contrast between Mr. Bright and Mr. Newdegate. What is it that prevents the continual disturbance of parliamentary peace between two classes of men so dissimilar as the members for counties—especially purely agricultural counties—and members for manufacturing cities? Obviously the existence of the intermediate elements, of members sent up by agricultural towns, which contain industrial elements, and by smaller manufacturing towns, which have no notion of being offered in sacrifice to the populace of great cities. An electoral system composed of 'population sections' would not give us a representative assembly adapted to the performance of either of its two functions. A House of Commons so elected would not represent the public opinion of the country, and therefore could not rule it as it should be ruled. The impartial and arbitrating element would be



deficient. And, as has been explained, this complete deficiency in the qualities necessary to a ruling legislature would not be compensated by any excellence in the qualities necessary to secure a good expression of the grievances and opinions of all classes. Old English good sense selected a town to send representatives separately from a county in which it was situated because it saw there the conspicuous focus of separate feelings, separate interests, possibly separate complaints. Our new reformers would undo this wise arrangement. They would (at least, such is the logical tendency of their argument) destroy those bounds and limits to constituencies which secure a *character* to the constituency; they would represent the shipping interest by throwing Hull into the county of York and Grimsby into the county of Lincoln: distinct definition is all that is necessary to disprove such ideas.

Paradoxical as it may sound, the evident untenableness of Mr. Bright's views gives them a claim on our attention. It is an indication of social unsoundness that men of ability and energy sincerely advocate very absurd theories, and are able to collect considerable audiences to applaud those theories. We may speak of our national contentment; but the answer comes, What, then, do these people complain of? We must not rest satisfied with a mere refutation of the doctrines which are avowed, or an exposition of the mischievous consequences of the

plans proposed. There are certain theories of political philosophy which supply ready arguments against almost every state of society which has been able to maintain a long existence. These heresies float among the most ordinary ideas of mankind, and are ready without the least research to the hand of whoever may believe that he wants them. Latent discontent with the existing form of government catches hastily at whatever justifies it; it seeks in these old forms of false doctrine a logical basis for itself. One of these heresies is the purely democratic theory of government; it has very rarely indeed been adopted as a guide to action, but its existence is nearly as old as political speculation. In every age and country a class which has not as much power as it thinks it ought to have snatches at the notion that all classes ought to have equal power. Such an 'uneasy class' believes that it ought to have as much power as the class which is in possession; and not liking to put forward even to itself a selfish claim of individual merit, it tries to found its pretensions on the 'equal rights of all mankind.' Mr. Burke described the first East Indian nabobs as 'Jacobins almost to a man,' because they did not find their social position 'proportionate to their new wealth.' We cannot fail to observe that the new business wealth of the present day (of which Mr. Bright is the orator and mouthpiece) has a tendency to democracy for the same reason. Such a symptom in the body politic is an indi-

cation of danger. So energetic a class as the creators of Manchester need to be conciliated; their active intelligence has rights which assuredly it will make heard. The great political want of our day is a *capitalist conservatism*. If we could enlist the intelligent creators of wealth in the ranks of those who would give their due influence to intelligence and property, we should have almost secured the stability of our constitution; we should have pacified its most dangerous assailants; we should count them among our most active allies. If the transfer of a moderate number of seats in Parliament from boroughs, which scarcely profess to exercise an independent choice of representatives, to large and growing towns would only in a subordinate degree conduce to this effect, such a transfer should be made. There would still be enough of smaller constituencies for all purposes that are useful.

We have, therefore, completed our task. We have shown the defects which our present system of representation seems to contain; and we have endeavoured to indicate the mode in which those defects might, we think, be remedied. The subject is one of great complexity and extent, and very difficult to discuss within the limits of an article. To be considered profitably, it must be considered as a whole; and it will be evident from our own pages how much space any attempt to discuss the entire topic necessarily requires. Whatever

errors of detail may be found in our opinions, we cannot doubt that our general purpose has been correct. A real statesman at the present day must endeavour to enlarge the influence of the growing parts of the nation, as compared with the stationary; to augment the influence of the capitalist classes, but to withstand the pernicious theories which some of them for the moment advocate; to organize an expression for the desires of the lower orders, but to withstand even the commencement of a democratic revolution.

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#### NOTE.

18th February, 1859.

THERE are some points suggested by the previous discussion which I was unable, from want of space, to treat as I should have wished; and some, too, which have been brought out more clearly by the events of the last few weeks. I gladly, therefore, make use of the opportunity afforded me by the republication of the foregoing essay to make some additional remarks.

A striking and most healthy symptom in the public

mind in reference to Reform just now is its *freshness*. In former times the Tory party never thought about the matter. One of their traditional tenets, as a party, was an opposition to Reform; and all who desired a further change than that of 1832 were in their eyes Radicals and Democrats. The subject was not one for argument. The Liberals, on the other hand, had a vague kind of abstract idea that the franchise must be extended some time or other. They would have been shocked to hear themselves called Democrats; but when they talked about Reform, their language, as far as it had a meaning at all, had a democratic meaning. It was imagined that as soon as the 'masses' had acquired a certain minimum of education, they would have a claim of right to be enfranchised; and it was overlooked that in practice this would be equivalent to the disfranchisement of all other classes' and would give the lower orders the uncontrolled guidance of the community. At present the state of public opinion is infinitely more hopeful. The Tories have been stimulated to the consideration of the subject. As a government of their own is to propose a Reform Bill, it is impossible any longer to regard the topic as beyond the range of permitted speculation. The Liberals likewise have been rather rudely awakened to the unpleasant consequences of their former ideas. Mr. Bright, more than any one else, should have the credit of arousing the present liberal reaction against democracy. He has pro-

pounded in a definite plan what was before an intangible idea. The subject has come within the range of practical English thought almost for the first time; and, as usual, the tone of habitual discussion on it has deepened and improved. A feeling of sympathy for intelligent working people is perhaps stronger than ever, and there is every wish that they should, if possible, have some power in the community; but there is a distinct and settled determination that they shall not have all the power.

I have dwelt so fully on this part of the subject in the preceding essay, that it is not necessary for me now to resume the general discussion of it. The public mind is in a much more likely mood to entertain what appear to me to be just ideas than it ever was before, or that I could have hoped it would be now. There are one or two incidental remarks, however, which it is necessary to make on the subject.

The most telling objection to the expedient suggested in the foregoing essay for representing the working classes—viz. that of lowering the qualification so as to include them in the great seats of industry, but not elsewhere—is, that it sacrifices the political power of the higher classes in those important places. The higher classes in Manchester cannot be expected to *like* that they should be disfranchised by the wholesale enfranchisement of the working men in Manchester. That it

should ever be pleasant, it would be impossible to hope ; but there are some considerations which tend, I think, to make it less unpleasant than might be imagined at first sight.

In the first place, a great deal of the anticipated calamity has happened, and is being endured. The creators of the wealth of Manchester—and when I speak of Manchester, I only do so because it stands out in the public mind as a type and symbol of cities of the class—are not the ten-pound householders who return its members. These are the small shopkeepers and petty dealers, who swarm and congregate about every great commercial place ; but who bear to the merchants and manufacturers of those places much the same relation that the sutlers of a camp bear to its disciplined army. In London, where the geographical division of industrial pursuits is unusually evident, there are whole constituencies composed nearly exclusively of these rather mean attendants on commercial civilization. The Tower Hamlets contain very little else ; and any one can see by walking through them how little their population has of the cultivated energy and enlarged acuteness commonly to be found in a great merchant. In other towns—Liverpool is a strong contrast in this respect to London—this attendant community of inferior dealers resides in the closest proximity to the most important mercantile offices—in the focus of business transactions. The effect

of the Act of 1832 has been to throw the representation of the large trading towns into the hands of these inferior traders, whose vicinity to the greater ones is inevitable, and whose numbers are overwhelming. A portion of the higher class of traders sympathize in the views of the lower; this portion assume to be the leaders of the place, and give to persons at a distance an idea of its tendencies quite different from what would be desired by the higher citizens in general. There has always been an anti-Manchester party at Manchester. The school which Mr. Bright represents has not the undisputed lead among the manufacturing and mercantile men of the north which they are commonly thought to have. The most cultivated people there are perhaps generally opposed to it. The highest and best class of the traders in great commercial towns are already disfranchised, and it would, in reality, be better for them that it should be thoroughly understood to be so. At present the world imagines that their present representatives express their feelings, and state their opinions. If the representation of such places were avowedly and constitutionally in the hands of the working classes, it would be understood that the higher traders had no voice. Those of them—and they are a very large number—who have none now would be great gainers, because they would no longer have the vexation of being thought to sympathize with persons to whom they are emphatically



opposed. The reason is different with respect to the prevailing party in those boroughs, but the conclusion is the same. So far are Mr. Bright's followers from protesting against the wholesale admission of the class of voters just below them, that they are clamorous in favour of that admission. If the adoption of a rate-paying franchise is supported by any part of the country, it is by the constituencies of the very largest towns. There is no hardship in giving to them the boon which they demand for every one.

If, however, it should be found that the higher classes of the largest towns exceedingly disliked the evident disfranchisement which would be the certain consequence of extending the borough franchise in such towns to the lower orders, it would not be by any means impossible to find practicable plans of preserving to them an effectual franchise. The first of these plans is the creation of what may be called *suburban* constituencies. The greater part of our merchants and traders, even the higher part of our shopkeepers, have long since deserted the straitened dwellings over the shop and the counting-house which contented their fathers. They have residences in country districts near their places of business; all round our largest cities there is a network of them. Many constituencies could be found in the environs of our great cities where the rich, comfortable, and intellectual business classes reside in very great numbers, and where they

would be far more likely to predominate, and to have an effectual voice in the selection of members of Parliament, than under the present suffrage system they are, or can be, in the great seats of industry themselves. Such classes would benefit exceedingly by conceding to the working classes the undisputed command of the representation of the great town itself, if they could thereby obtain a real representation for themselves at their own homes. That which they have now—so numerous are the meaner householders—is rather a vexing mockery than a desirable reality; what they would obtain would be a substantial and effectual influence on the legislature. If it were necessary, it would be easy to provide that the representation should be really in the hands of the higher class by fixing the property qualification for a vote at a higher point than usual (at £20, suppose); but I rather apprehend that this expedient, though quite defensible, and by no means intrinsically undesirable, would not be absolutely necessary, as the number of the higher classes residing in well-selected suburban constituencies would give them, under a ten-pound franchise, an effectual superiority.

A second plan, which is not inconsistent with the first, but rather supplementary to it, is a development of the suggestion that personal property should be made the basis and criterion of a qualification as well as real property. The first step to carry this into practice raises

the question, For what constituency is this qualification to give a vote? Railway debentures and the public funds have no locality; if they are to give a vote, they may do so for one place as well as for another. I would propose to give the voter himself a choice on this point. If he had the power of registering himself on the ground of a monied-property qualification within a certain circle of constituencies—say to any one situated at not more than fifty miles from his usual place of abode—he could transfer his vote to that one where it was most wanted, and would be most effectual. The higher classes in the largest constituencies—practically disfranchised as they almost are now, and as they would be quite if the suggestions I have ventured to make were adopted—might find a satisfactory refuge in the smaller constituencies of the neighbourhood, whose numbers they would augment, and whose composition they would materially improve. In general, too, the creation of a *transferable* constituency, by conferring the suffrage on the possessors of non-local wealth *as such*, would be a material strengthening of the educated classes as opposed to the non-educated, because it would give the former an opportunity of concentrating their power where it would tell most, while the power of the lower classes would be dispersed, and inseparably attached to certain places.

Both of these are expedients for giving to the disfranchised upper classes of the most numerous constitu-

encies power *elsewhere* than in these constituencies ; two other expedients may be mentioned, by which they might still retain considerable influence *in* them.

The first of these is a modification of the 'minority principle.' It has been shown in the preceding essay, by arguments which are to my own mind conclusive, that this ingenious expedient would not of itself solve the problem of giving to the working classes a certain number of spokesmen in Parliament without conferring on them the supreme authority in the State. The working classes are the enormous majority in the country ; if the franchise is universally lowered so as to include them in every constituency, they will be masters of the country. By means of the minority principle a certain power may be preserved to some fraction more or less of the constituency, according to circumstances ; but the great preponderance will be with the majority still. In the case usually supposed of a constituency with three members, in which each constituent has nevertheless but two votes, a minority at all greater than two-fifths of the constituency could return one member, if they pleased it, with complete certainty ; but the corresponding majority of a trifle less than three-fifths would return two members with equal certainty. The influence of the majority would still be double the influence of the minority. So far from this principle giving to the working classes a few members and no more, it gives the greater number to them, and only a

few in comparison to the rich. But though this expedient does not of itself give the solution of the problem of which we are in search, it gives us the means of alleviating the inconvenience attaching to what we have found to be one solution of that problem. We may by means of the minority principle give a voice to the rich in the exceptional constituencies in which it has been proposed to lower the franchise so as to include the working men. In these constituencies we only wish to give the rich *some* power; it is the principle of the proposal to give the greater power to their inferiors.

One of the modes in which the minority principle might be made use of for this purpose has an appearance of equality which would be, I should imagine, attractive to consistent democrats. It is proposed that, no matter what the number of members for the constituency may be, no elector shall have more than one vote. As has been previously pointed out, this is by far the most efficacious form of the minority principle, because the minority to which it gives a member is smaller than it is under any other modification of that principle. If there were only two members for a constituency, a minority at all exceeding one-third might be certain of returning a single member. I cannot, indeed, imagine that in this form the principle could ever be adopted or even seriously advocated. No one would say that one-third *plus* one of the nation was entitled to as much voice

in its deliberations and decisions as two-thirds *minus* one of it. A small minority, as such, and no matter how composed, could never claim to have as much power as a large majority, the members of which might, for aught which appears, be equally intelligent. Nor, even if we supposed the minority to be the rich and educated, and the majority the poor and ignorant, would the result be satisfactory. The error would then be in the other direction: the ignorant majority would in that case have as much power as the instructed minority, which is exactly what we desire that they should not have. Like all other modifications of the minority principle, this one fails as an anti-democratic expedient applicable to the whole country. It would be most dangerous to lower very greatly the franchise throughout the country, in reliance on its efficacy in precluding a despotism of the uneducated. But if the franchise be only extended to the working classes in certain exceptional constituencies, the adoption of the rule that no elector should have more than a single vote might in them be very beneficial. Suppose that three members were assigned to such constituencies, and that no elector possessed more than a single vote, a moderate fraction (one-fourth of the constituency *plus* one) could always be sure of returning a member, and the remaining part of the constituency (three-fourths *minus* one) would return the other two. If the higher classes of a great

town were really united, and used their legitimate influence with zeal, they could always command somewhat more than a quarter of the constituency: they would be secure of returning a representative to the legislature as well as their inferiors.

The same end would be reached by the adoption of what is called the 'cumulative vote' in these exceptional constituencies. By this is simply meant that the elector should be permitted to give all his votes to a single member if he pleases: thus, if the members to be elected for the constituency be three, and each elector have three votes, he would be enabled to give all his votes to any one candidate, instead of being compelled, as at present, either to distribute them among three candidates, or abstain from using some of them. By means of this expedient also, a minority at all greater than one quarter could with certainty return a member; and the effect in that respect would be of course the same as if that result had been attained by the other expedient. I cannot but think, however, that the latter mode is very preferable in other respects. Mr. J. S. Mill says very justly that the principle of giving the elector fewer votes than there are members to be elected must always be unpopular, 'because it cuts down the privileges of the voter;' while, on the other hand, the adoption of the cumulative vote increases them, and has in consequence a tendency to be popular. Mr. Mill justly observes also that the expedient of the 'cumu-

lative vote' has another great advantage: it enables voters to indicate not only their preference for a candidate, but the degree of their preference. Instead of voting mechanically for all the candidates put forward by their party, it enables them to select the one whom they really themselves most approve, and to support him only. This would tend to secure to eminent and trusted statesmen a secure position in their respective constituencies, which is one of the most important among the minor excellences of a representative system.

By one or other of these two schemes, it would be possible to give a real representation to the working classes in the large towns in which they live, and to preserve a portion of influence and a share in the local representation to the higher classes of the town. Both schemes are, however, liable to the very considerable objection that they permit, or rather provide for, the election in the same place of a member for the poor and a member for the rich, which is very likely to cause local ill-feeling, and may sometimes irritate the poor into momentary turbulence. On this ground, it seems to me preferable that the higher classes in the large towns should be content with such indirect compensation for their local disfranchisement as would be afforded by the two plans which were noticed first. But popular impression has an incalculable influence in such questions; and if the higher classes in these first-class constituencies would feel it a



stigma or an injustice to have no share in their local representation, such a share must be reserved to them, although we are thereby compelled to allow of the election of two contrasted kinds of members for the same town.

It may likewise be objected to the creation of such exceptional constituencies as I have proposed, that their exceptional character could not be permanent. If you once lower the qualification in one constituency, it may be said there will be no rest from agitation until it has been lowered to the same extreme point in all constituencies. But this appears to me to assume that the democratic tendencies of the country are far more powerful than they really are. The extension of the suffrage, especially a very large extension of it, is not very popular with the existing constituencies. If we give to such privileged bodies a good argumentative defence, the oligarchical tendencies of human nature will go far to ensure their maintaining their privileges. Nothing tends to the longevity of a public benefit so much as its being also a particular private advantage to some one who will look after it. Such a defence the existing constituencies will really have if we assign to the working classes some real representation in Parliament; but while the most numerous class have no means at all of making their voice heard, there will always be an uneasy feeling that they are unduly depressed and unfeelingly disregarded. So

far, then, from the creation of exceptional constituencies tending to weaken the arguments in favour of the general structure of the present constituencies, it is the only way of removing the most telling argumentative objection to our existing arrangements.

An exceptional character in particular constituencies is, it should be observed, an essential element in every system of *class* representation. If you lay down the principle that there shall be persons in Parliament qualified and authorized to speak the sentiments of special classes, you must take care that in certain electoral bodies those classes shall predominate, that the member for such bodies shall be their member. You can only secure speciality in the member by a speciality in the constituency. This is the very ground on which borough populations were originally selected for a separate representation. It was believed that places differing so much from the rural districts in which they were situated would have distinct interests to advocate, distinct opinions to maintain, possibly distinct grievances to state. In a word, it was believed that they would send a special representative, with something to say different from that which an ordinary county representative would ever say. By selecting for particular representation towns occupied in all the important kinds of trade, we have secured an expression to the opinions and sentiments of all kinds of capitalists. By giving special representa-

tives to the Universities, we have provided, perhaps not adequately, but still to some extent, for the characteristic expression of the peculiar views of the cultured classes. I believe that the principle of special representation should be extended to the lower classes also, who, from an improvement in education, have now in the larger towns opinions to state, and perhaps, in their own estimation, grievances to make known. If a special representation is given to such persons, it can only be in the same way that special representatives are given to other classes by creating constituencies with a corresponding speciality.

It is to be observed, that the necessity for creating such exceptional constituencies would not be obviated by the recommendation which Mr. Mill has made of giving one vote to every man, whatever be his education, and additional votes in a rapidly-ascending scale to persons of greater education. The object of this recommendation is to keep the principal authority in the state in the hands of educated men. The scale of votes is avowedly arranged for that purpose. By the adoption of this scheme, you would give to the working classes no characteristic expression in the legislature; you would give them an influence in every constituency in appearance considerable, but which would be of no practical avail to them as a class, because on all characteristic points their voice would be neutralized, and whenever there were class candidates

theirs would be rejected, by the more numerous votes given for that very purpose to the more educated classes.

I must have wearied every reader with this part of the subject; and my only excuse is the strong conviction which I feel of its importance, and my wish not to omit to make any observation which may serve to throw it into what seems to me the true light.

As far as the nomination boroughs go, I have no wish to say a word in their defence. In former times there may have been a certain advantage in the existence of such seats. Young men of promise were then occasionally brought into Parliament by the patrons of such constituencies, and great statesmen sometimes found a refuge in them during moments of unpopularity. But these advantages belong to past times. Before the Reform Act of 1832 the borough proprietors had boroughs to spare; such was the plenty of such seats, that there were some left for the public, after providing for the relations and personal friends of the proprietor. But the fact is otherwise at present. There are not now enough of such boroughs to provide for the personal connections of those who own them; and the public derive almost no advantage from their continuance.

As I have explained, all very small boroughs tend to become either dependent or corrupt, and therefore all very small ones should be abolished. But this is no ground for abolishing a great number of constituencies

which, though not very large, are still large enough to be fairly independent and fairly uncorrupt. There can be no ground for disfranchising every place which has not 10,000 inhabitants. If we look to abstract principle as our guide, no measure would be more undesirable. We have seen it to be desirable not only that there should be special representatives for every class in Parliament, but likewise that the predominant tone and temper of Parliament should be despotically controlled by no class or sect of persons—that it should coincide with the feeling of the nation itself. The accordance of the opinion of Parliament with that of the country is the principal condition for the performance by Parliament of its great function of ruling the country. This can only be secured by the continuance in Parliament of many members representing no special interest, bound down to state the ideas of no particular class, themselves not markedly exhibiting the characteristics of any particular *status*, but able to form a judgment of what is good for the country as freely and impartially as other educated men. It is impossible to expect that such persons will be commonly sent to Parliament by the counties and the large towns. A good deal has already been said of the *sectarian* character of the county members. I fear it must be allowed that the better class of members for large towns are at least as sectarian; they are capitalists, men of business, representing the views and opinions of

the ten-pound householders. I am not speaking of such members as stray in occasionally for such constituencies as the Tower Hamlets. A low class of demagogue will now and then be returned by every very large constituency; but the characteristic tendency of the large towns is to return men of business of mature age, and of a certain very recognizable, if not very describable tendency of sentiment and opinion—a kind of member as marked, as peculiar, and as distinct from all others as any county member can be. I cannot but think that we shall impair the proper working of our parliamentary constitution if we greatly augment the number of class representatives, whether for the large towns or the counties. Whatever other defects may be alleged to exist in the smaller boroughs, the objection that they return exclusively the representatives of a class cannot be made to them. Every species of member sits for some of them. A list of persons more unlike one another could hardly be found than the list of the representatives for our smaller boroughs. When we consider how exceedingly important it is that the judgment of Parliament should be alloyed by no class prejudice or class interest, that its decisions should be in accordance with the real and deliberate decision of the nation, we shall, I hope, pause before we abolish constituencies so likely to contribute to effect this result. It is not possible for human skill to apportion to each special interest the exact

number of representatives which it ought to have, and to compose a Parliament exclusively of such special representatives. It would require more skill than any statesman can claim to establish a coincidence of opinion between Parliament and the country solely by the definite allotment of particular members to particular classes. There is no criterion to tell us with accuracy how much each class contributes to the formation of public opinion. The sole expedient for securing the result which we wish to obtain, is that by which it has actually been obtained. We have a Parliament, subject to two slight objections, fairly coincident in judgment with the reflecting part of the community. This inestimable coincidence of judgment is largely due to the immemorial existence of very many impartial constituencies. We have class advocates in Parliament, it is true; but many unbiased judges, many national representatives, are to be found there likewise. Perhaps no course could be more dangerous for the country than to diminish the number of the latter, and so lose, possibly at a very critical moment, the incalculable benefit of their impartial intelligence.

THE HISTORY  
OF THE  
UNREFORMED PARLIAMENT,  
AND ITS LESSONS.<sup>1</sup>

(1860.)

PERHAPS no subject of historical research should be so interesting just now as the practical working of our system of parliamentary representation before 1832. The principles of representative government are again about to be brought under discussion ; a new proposal for Parliamentary Reform must be announced before many weeks are past. The more that subject is discussed, the more do all thoughtful persons wish to consult the lessons of experience with respect to it. We feel more than we

<sup>1</sup> *The Rise and Progress of the English Constitution.* By E. S. Creasy, M.A. Fourth edition, revised and with additions. London: Richard Bentley, 1858.

*The Representative History of Great Britain and Ireland: being a History of the House of Commons, and of the Counties, Cities, and Boroughs of the United Kingdom, from the earliest Period.* By T. H. B. Oldfield. In six volumes. London: Baldwin, Cradock, and Joy, 1816.



used to do the difficulty of the question; we distrust more the tenets of pure democracy; we know more of the complexity of a cultivated community; we know the necessity of giving to each class the weight which it ought to have, and no greater weight: in consequence, we feel more than formerly the intellectual prudence of recurring to the facts of experience. But unfortunately there are very few such facts. Of all important political expedients, representation is by far the newest; and our experience with respect to it is therefore scanty and limited. The continental nations who have made trial of representative government, have done so almost always under exceptional circumstances, and in each case the national character of the particular nation which made the trial has very greatly affected the result of it. The experience of America is, from many causes, difficult to apply to the times in which we live. The difference of circumstances, both economical and social, is a perpetually modifying force, which tends to make a sweeping deduction almost necessarily unsound. The contrast between a new country and an old; between a State in which there is an endowed church and a landed aristocracy, and one in which there is neither; between a society in which slavery exists and one in which it does not;—is too great to be unimportant, and too pervading to be eliminated. Nor is it easy to derive effectual instruction from the working of the system which is in operation now. At

least, it is difficult to derive instruction which *others* will think satisfactory. We may, and do, make out points sufficiently clearly to ourselves; but in the heat of controversy, and in the confusion of contemporary events, others, in fact, derive from the same data the contrary deductions. We are therefore thrown back on our own history for such instruction as it may give us; and the break made by the Reform Act of 1832 is, at least in this respect, useful. We can draw lessons from the times preceding it with the calmness of history, and nevertheless those times may yield us instruction. They are far enough from our own age to be dispassionately considered; they resemble it enough to suggest analogies for our guidance. Nor is this history in itself uninteresting. The unreformed system of representative government is that which lasted the longest; which was contemporary with the greatest events; which has developed the greatest orators, and which has trained the most remarkable statesmen. No apology, therefore, seems to be needed for writing upon the subject at present, even if we should write at some length.

To give an exact account of the old English system of representation is, however, no easy task. At present the statistical information which we possess respecting the electoral system which exists is exceedingly abundant. We can tell the number of voters in every borough and every county; we know by what right of suffrage they

are entitled to vote, and how many of them have chosen in any case to exercise their right at each successive election. Compendious works specify what lord or commoner has influence in such or such a town: they say whether it is preponderant and all-powerful, or only moderate and sometimes resisted; they tell us in which town money has overwhelming influence, and enumerate the occasions upon which the use of that influence has been proved before the proper tribunal. We can hardly hope to obtain better information as to the actual working of a system than that which we have as to the system under which we are living. A hundred years ago our ancestors were nearly destitute of all such information. They had no means of telling the number of voters in any borough or county; no register existed from which it could be discovered; the right of voting in different places was exceedingly different, and the decisions of the House of Commons respecting them had been very confused. From political motives, indeed, these decisions were often contradictory; they were made to suit the requirements of the moment and the commands of the minister of the day, and a judicial spirit was, while the decision lay with a committee of the whole House of Commons, scarcely even affected. Sir Robert Walpole used to say that in election committees there ought to be 'no quarter;' and the final fate of his long administration was determined by a division on

an election petition from Chippenham. As the deciding power respecting electoral rights was so inconsistent, it would perhaps hardly have been worth while to collect its decisions; and no one did so. A hundred years ago, the constant reference to precise numerical data which distinguishes our present discussions was by no means in use; and even if the number of the electoral body had been more easy of ascertainment, no one probably would have ascertained it. The government had not yet established a census of its subjects, and would not perhaps have liked to have the voters who chose it counted. At any rate, no one did count them; and a very general notion respecting the practical working of our representative system was all which could be formed at the time, or that can be formed now.

The representation of England and Wales was formerly, as now, in the hands of counties and boroughs. The number of counties was the same as it now is; but they were as yet undivided for the purposes of representation. The number of boroughs was very considerable, and this of itself led to difficulty.

It is evident that in early times, when population was small and trade scanty, it would be difficult to find very many boroughs that would be fit to elect proper members of parliament. We know by trial that a town constituency, to be pure and to be independent, must be of fair size, and must contain a considerable number of

better-class inhabitants : unless it be so, it will assuredly succumb to one of two dangers ; it will fall under the yoke of some proprietor who will purchase the place as a whole, or it will be purchased, vote by vote, at each election. Nothing, both experience and theory explain to us, is so futile as to expect continued purity and continued independence from a small number of persons who have something valuable to sell, and who would gain what is an object to them by selling it. But of considerable towns the number was once exceedingly few. Internal commerce and foreign trade have made such enormous strides in England recently, that we hardly realize the poverty of former times, or the small number of people who lived where we live now. Statistics, though they may give us a statement of the fact, do not, and cannot, fill our imaginations with it. We may get a better notion of what England was in numbers and wealth from travelling in the purely agricultural, the less advanced and poorer parts, of the Continent, than we can from figures and books. We shall in that way gain a vivid impression that it would be impossible in a rude age and country to find a very great number of towns large enough to elect representatives independently, and rich enough to elect them uncorruptly.

In the system which prevailed a hundred and fifty years ago our ancestors had much aggravated this difficulty. They had not selected the most considerable

towns to be parliamentary constituencies; they had not taken all the largest, and they had taken several of the smallest. We need not now explain why this happened. We have no room to discuss the antiquities of the old boroughs; we cannot tell in many cases why some were chosen which were chosen. But two facts are incontestable: of which one is, that there was probably much original caprice in the selection of town constituencies. The sheriff had at first a certain discretionary power, and we do not know very precisely how he exercised it. The boroughs themselves were anxious, not to obtain the right, but to evade the obligation, of sending members to parliament. Provided a respectable number of borough members appeared in their places to assent to the requisite taxes, and to indicate by their demeanour, if not by their votes, the popular feeling on the topics of the day, the early rulers of England, those rulers who laid the foundations of our representative system, were satisfied. They felt no nice scruples as to the exact magnitude of the towns which did not send members, or of those which did so. In the times of the Tudors, and a little later, the Crown exercised its prerogative of creating new boroughs; and as the popular spirit had then begun to be a subject of dread, and the voice of the House of Commons was already of some importance, we need not hesitate to imagine that the statesmen of the time regarded the 'loyalty' or subservience of the

boroughs they created, rather than their precise size. English statesmen look to the wants of the day, and especially to the wants of their own administration, much more than to complex figures; they do so even at the present day, when statistical tables will be paraded against them: how much more did they not improbably do so in the reigns of the Tudors, when there was no check upon them in any matter requiring much research or information; when, if they chose to disregard numerical data, no one else could know, far less prove, that they had done so! Nor was original caprice the only cause that had given representatives to many boroughs which in the eighteenth century seemed scarcely fit to choose them, and which denied them to others which appeared to be much more fit. In the contest between the Stuarts and the people, the Crown lost its old prerogative of creating boroughs; the moment there was a contest between the House of Commons and the sovereign, it became clear that the sovereign must be victorious if he could add members to the former at his pleasure. Accordingly the House of Commons impugned the validity of the so-called prerogative; their resistance was successful, and it was exercised no longer. In consequence the old boroughs remained, and no new ones were added; and as, in a changing country like this, many places which were formerly large gradually became small, and many small ones on the other hand became large, the distribu-

tion of wealth and numbers came in process of time, and by a process which no one watched, to be altogether different from the distribution of parliamentary influence.

Nor was this the only way in which the inherent difficulty of finding good town constituencies in poor and rude times was artificially aggravated in our old system of representation. Not only were the best boroughs not chosen to be constituencies, but the best persons in those boroughs were not chosen to be electors. The old and complex rights of suffrage in different boroughs are antiquarian matters, on which we have not a single line of space to bestow ; but they differed very much. Originally, perhaps, the right or duty had belonged or attached to all rate-paying householders ; but this simple definition, if it ever existed, had long passed away, and the rights of suffrage had become most various. No short description, much less any single definition, would include them. We give those which existed in the boroughs of two counties, Somersetshire and Lancashire, to show how great the diversity was, and how many ' permutations and combinations ' it embraced.

#### SOMERSETSHIRE.

BRISTOL . . .	Freeholders of 40s. and free burgesses.
BATH . . .	Mayor, aldermen, and common councilmen only.
WELLS . . .	Mayor, masters, burgesses, and freemen of the seven trading companies of the said city.
TAUNTON . .	Potwallers, not receiving alms or charity.



- BRIDGEWATER . Mayor, aldermen, and twenty-four capital burgesses of the borough paying scot and lot.
- ILCHESTER . . Alleged to be the inhabitants of the said town paying scot and lot, which the town called potwallers.
- MINEHEAD . . The parishioners of Dunster and Minehead, being housekeepers in the borough of Minehead, and not receiving alms.
- MILBORN PORT . The capital bailiffs and their deputies, the number of bailiffs being nine, and their deputies being two in the commonalty, stewards, their number being two; and the inhabitants thereof paying scot and lot.

## LANCASHIRE.

- LANCASTER . . Freemen only.
- WIGAN . . . Free burgesses.
- CLITHEROE . . Freeholders, resident and non-resident.
- LIVERPOOL . . Mayor, bailiffs, and freemen not receiving alms.
- PRESTON . . . All the inhabitants.

Generally speaking, we may perhaps say that the original scot and lot (or rate-paying) qualification had been submitted to two opposite forces of alteration. By one it had been restricted to certain inhabitants of the town who, by virtue of some corporate right or municipal office, assumed to themselves to be its most important and chief inhabitants. These principal persons were usually few, and they prudently contrived that their number should not be augmented. They formed themselves into self-renewing corporations: at every vacancy the remaining members filled up the place as they deemed best, and they took care no one should have votes for the borough but themselves. On the other hand, by a second

process, the borough suffrage had been widened so as to include all freemen, or all inhabitant householders not receiving alms; everybody, in short, who could be included in it. The process of extension, as was natural, was of the two the older process. While the right of electing members was attended by the duty of paying them, it was an onerous burden, and the chief people in the place tried to extend it as far as they well could; in later times, when members were no longer paid, and political advantages were to be obtained by the skilful use of a vote, the influential people of a borough tried as much as possible to keep the parliamentary suffrage to themselves. In the last attempt they generally succeeded. The boroughs in which the people at large elected the members were, in the eighteenth century, far fewer than those in which a few persons of one sort or another elected them. The tendency of the House of Commons itself, from various causes, was rather to confine than to extend the right of suffrage. But in whichever direction the progress of time had altered what we may suppose to have been the original right of franchise, whether it had restricted it or had extended it, the effect upon the constituency was almost equally bad. If it was much narrowed, it fell into the hands of a very small number of persons, who used for their own benefit what had become a very marketable privilege; and if the franchise had been very much extended—especially if it became,

as in several places it did, nearly equivalent to universal suffrage—we may readily conceive in what manner it was used, when we remember that many of the boroughs were small, that in that age corruption was thought far less disgraceful than at present, and that the poorer classes were much poorer and much more ignorant than they now are.

We need not further explain the general causes which impaired the independence and purity of the ancient boroughs. As it would have been somewhat difficult to find in old times enough boroughs that were proper to choose representatives; as the best had not been chosen—perhaps had not been searched for; as in the actual boroughs the best people to be voters had not been selected as such; as in most of them the electing constituency was very small;—it is no wonder that most of these boroughs fell more or less under the control of rich men who considered the franchise of the borough a part of their own property.

With the counties the case was somewhat different; as yet there was no Chandos clause, the forty-shilling freehold was as yet the only title to a vote. Yeomen with such freeholds were as yet numerous, in many counties very numerous, and were still sturdy and independent. The inferior gentry were not always much disposed to submit to the dictation of lord or duke. In the last century, the county franchise was always con-

sidered as the free and independent element; those who wished to purify the legislature, always proposed to augment that element, and saw no other means of obtaining what they wished for.

But even the counties were in former times far less independent than, from the nature of the legal franchise—from the paper description of it—we should suppose. Our county society has always been an aristocratic society; and in the last century aristocracy was a power of which it is difficult in these days of free manners and careless speech to realize the force. Society had then, far more than now, a simple, regular, recognized structure; each class had its place: it looked up to the classes above it; it would have thought it wrong to vie with them, or even to imitate them. Each class was to a certain extent independent; each went its own way on its own affairs, attended to the transactions of its own calling and the details of its own life: but each had a tendency, such as we can hardly now imagine, to be guided, impelled, and governed by those who were above them on all questions and in all matters which concerned or seemed to concern all classes equally. The real distinction between classes, too, was then an infinitely greater one than it now is. The aristocratic class was the most educated class, had access to the best society; was, as a whole, by far the most polished and cultivated class in the nation. For good and for evil, noblemen

had a power then to which there is nothing comparable, scarcely any thing analogous, now. Amusing illustrations of this occur in the documents of the time. Thus Burke, in a memorandum on East Indian affairs, addressed to the noblemen and gentlemen who composed the Rockingham party, proposes the following scheme: 'With regard to the Bank [of England], which is the grand instrument of the Court on this occasion, might it not be proper (if possible) that some of you of the greatest property should resolve to have nothing to do with their paper? There are five or six of you that would frighten them.' If the territorial influence of the aristocracy was supposed to be so powerful in Threadneedle Street, we may easily suppose what it must have been in their own counties, at their own doors. The county contests of the last century had a continued tendency to become family conflicts between one noble house and another. The political questions of the day were merged in the intensity of the aristocratic, and perhaps hereditary feud.

Such was the representation of England; and it seems restricted enough; but that of Scotland was even more restricted still, and more subject to illegitimate influence. Even the stoutest defenders of the old system of representation before 1832 used to own that the Scotch system could only be defended as 'part of a whole,' and that taken by itself it was absurd. There were in theory in Scotland thirty county members and fifteen borough

members; but the franchise had in both of them been narrowed to an almost inconceivable extent. In 1812 the whole county constituency only amounted to 1235, and the whole borough constituency to 1253. The franchise in the counties was restricted to the tenants-in-chief of the crown; all proprietors (the feudal law in theory still prevailed) who held from a subject were disfranchised, though a very large portion of the county was owned by them. The result was much about the same as if in England the county member had been chosen, not by the 40s. freeholders, but the lords of the manor. The franchise was practically as confined in Scotland as that restriction would have made it here. The borough franchise, too, was possessed by the members of the town councils of the various boroughs exclusively; no other persons had a share in it. The burghs were, as now, divided into districts; in each district the town council of each burgh contained in it named a delegate, and by the majority of these delegates the member for the district was chosen. Edinburgh alone had the honour of a separate representation; and its constituency amounted in number to *thirty-three*.

What degree of independence such small constituencies may have possessed in England or in Scotland, we cannot now accurately know. Even to those who knew the places best, it must have been sometimes difficult to determine it with accuracy. Influence is in its very

nature somewhat secret; we cannot tell whence it precisely comes, by what exact channels it acts, or in what direction it is tending. Any estimate which can be formed of the degree in which the constituencies of the last century, such as we have described them, were either dependent or independent, must be very vague. The public at large knew very little on the subject; and no one took the trouble to note down in detail and with precision, that which they did know. A general notion of the practical results may, however, be easily formed. In the year 1773, Dean Tucker observed in a letter to Lord Shelburne :

‘Your lordship has the command of two boroughs already; and the public shrewdly suspect that you would have no qualms of conscience against commanding two more, or even twenty-two. Mr. Fox and Lord Holland’s family command one; the late Marquis of Rockingham had at least two, which he might, and did, call *his own*; and were I to proceed after the same manner throughout the peerage and the great landed interest, also the commercial and the manufacturing interest of the realm, perhaps I might enumerate not less than two hundred, namely boroughs and cities, and even counties, whose voters choose representatives and return members to parliament more according to the good-will and pleasure of those who have the ascendancy over them than according to their own private judgments or personal determinations.’

As there were at that time no Irish members, the number of members of parliament was 558; and as almost all constituencies had then two members each, this estimate would give about 400 to the class of nominated and dependent members, and about 158 to

that of the independent. This calculation, rough as it evidently is, and imperfect as the data for making it evidently were, corresponds sufficiently well with a very elaborate calculation made forty years later :

Members returned by 87 peers in England and Wales . . .	218
"          "      21      "      Scotland . . . . .	31
"          "      36      "      Ireland . . . . .	51
<hr/>	
Total returned by peers . . . . .	300
Members returned by 90 commoners in England and Wales	137
"          "      14      "      Scotland . . . . .	14
"          "      19      "      Ireland . . . . .	20
"      nominated by government . . . . .	16
<hr/>	
Total returned by commoners and government .	187
Total returned by nomination . . . . .	487
Independent of nomination . . . . .	171
<hr/>	
Total of the House of Commons . . . . .	658 <sup>1</sup>

Whatever doubts might be suggested—and doubtless some might be suggested—as to the details of this estimate, its main conclusion may be considered to be certain. A large preponderant majority of the members of the House of Commons were, in one way or in another, nominated by noblemen and gentlemen; and only a minority were elected by the popular constituencies. The majority of the House of Commons

<sup>1</sup> The above estimate is taken from Dr. Oldfield's *Representative History*, a work in many respects entitled to respect, but by no means impartial. The representation of Ireland, though not free from great defects, had been exceedingly improved at the time of the union with England.



represented the views and feelings of a particular and peculiar class; the minority only were elected by constituencies which could be supposed to choose representatives for all the other classes.

Such was in bare outline the old electoral system of England; and we may describe it by a startling phrase: it was a representation, so to say, of *select constituencies*. This is not the light in which we have been used to regard it. We speak by tradition of borough-mongers with dislike, and of rotten boroughs with contempt. From circumstances which we shall soon see, neither have left a good name in history. Most of us are the children of those who destroyed them; the leaders of our great parties are still those who were foremost in doing so. We naturally do not think well of them. But what were they? They were proprietary constituencies; they were, in truth, *higher* class constituencies; they gave a representation to persons of greater wealth, of greater education, and presumably, therefore, of greater political capacity, than the mass of the nation. We have, apparently at least, the best means of judging of their effects. Being, as we have seen, the preponderant element in the electoral system, the members chosen by them were the preponderant element in the House of Commons. They were the ruling power in the State. How, then, did this system, so singularly and irregularly composed, in fact work? We have the general results

in history. The only difficulty, and it is not a slight one, is to understand them rightly and explain them briefly.

In the first great quality of a representative government, we may say boldly that, up to a late period of its existence, and with an exception or two which we shall specify, this system worked very well. The first requisite of a representative system is, that the representative body should represent the real public opinion of the nation. Nor is this so easy a matter as some imagine. There are nations which *have* no public opinion. The having it requires what a pedantic writer might call the *coördination of judgments*. Some people must be recognized to be wiser than others are. In every district there must be people generally admitted by the judgment of their neighbours to have more sense, more instructed minds, more cultured judgments, than others have. Such persons will not naturally or inevitably, or in matter of fact, agree in opinion; on the contrary, they will habitually differ: great national questions will divide the nation; great parties will be formed. But the characteristic of a nation capable of public opinion is, that those parties will be *organized*; in each there will be a leader, in each there will be some looked up to, and many who look up to them: the opinion of the party will be formed and suggested by the few, it will be criticised and accepted by the many. It has always been the peculiarity of the history of England, that it has been

capable of a true public opinion in this its exact and proper sense. There has ever been a *structure* in English political society: every man has not walked by the light of his own eyes; the less instructed have not deemed themselves the equals of the more instructed; the many have subordinated their judgment to that of the few. They have not done so blindly, for there has always been a spirit of discussion in our very air: still they have done so—opinions have always *settled down* from the higher classes to the lower; and in that manner, whenever the nation has been called on to decide, a decision that is really national has been formed.

On the whole, the English constitution of the last century, in its best time, and before the occurrence of changes which we shall soon describe, gave an excellent expression to the public opinion of England. It gave a ruling discretion to those whom the nation at large most trusted; it provided a simple machinery for ascertaining with accuracy the decisions at which the few had arrived, and in which the mass concurred.

This constitution was submitted to no ordinary test. We have so long outlived the contests of the last century, that we have forgotten their intensity. We look on it as a very quiet time; and we contrast it with the apprehensive, and changeful, and anxious period in which it seems to us that we are living. Of the middle of the eighteenth century this is a true idea, at least of part of it; but the

English Government during the early part of the century was tried by what is probably the severest of all trials to the foundations of an hereditary and constitutional government—by a struggle between two claimants to the throne, each of whom represented a principle. We know well the arguments of the side which has gained; but we do not always remember the moral strength of the side which lost. The Jacobites had much in their creed which appealed to the predominating principles of the English nature:—an hereditary family, which claimed the Crown, not on arguable considerations of policy, but on ascertainable claims of descent which embodied, not a speculation, but a fact; which had prescription in its favour, and was in harmony with a country almost all whose other institutions were prescriptive; which had on its side the associations with the maintenance of order and the security of property, as claimants by prescription must have; which appealed to the Conservative instinct, which is always so strong in a people over whom the visible world rules so much; which appealed to the loyal instincts, which have a great influence over a people in whom a strong but impressed imagination profoundly works;—such a family must have had a singular hold on the popular attachments of England. History proves that they had that hold; and that they only lost England by an incapacity for action, and an inherent perversity of judgment, that seem to have been hereditary in the race.

In the last act of the drama, during the first few years of the House of Hanover, the Stuart dynasty had still great influence in the country. They were not, indeed, in possession; and as the strength of their adherents was among the most Conservative classes, they could not regain possession; but if we could fancy them, by any freak of fortune, to have been reinstated, there would have been incredible difficulty in expelling them once more. Possibly it could not have been done, certainly it could not have been done if the fanatical hatred of the majority of Englishmen to Popery had not coöperated with the attachment to freedom—if a sentiment which actuated the masses had not been on the same side with the convictions which influenced the few. If the hereditary heir to the Crown had been once seated on the throne, and had consented to be converted, or to seem to be converted to Protestantism, the chances of the Hanoverian family would have been small and feeble.

Just before the demise of Queen Anne, the prospects of the Jacobite party had much to captivate sanguine and shortsighted men. The female favourite of the Queen—the reigning favourite we may call her—was indisputably on their side: the Queen, who had the strongest motives to be decidedly opposed to them, was not so; her suppressed inclination—perhaps her latent conscience—was in their favour: the first ministers of the Crown, if they had no ‘settled intention,’ to use Bolingbroke’s distinction,

had floating notions and vague 'views' on the same side. In the nation at large, the inferior gentry—those of whom the Tory foxhunter of Addison is an admirable memorial—were half Jacobite; the real clergy (the Whig historian calls them 'a curse rather than a blessing to those over whom they were set'<sup>1</sup>) were more than half Jacobite; the lower class of the people—the No-Popery antipathy apart—would perhaps have inclined more to the house of Stuart than to the house of Hanover. Legitimacy is a popular title, loyalty touches the heart; the rule of a single monarch is an intelligible thing; the least educated can and do understand it; but the rule of Parliament, and the idea of a constitution, are difficult to imagine; the lower orders of people hardly ever understand them or comprehend them. The only classes over whom the attachment to the Act of Settlement and to the constitution, such as it then existed, was really strong, were two: the higher gentry, including the nobility in that word; and the mercantile and trading classes—the 'fundholders,' as the Tory squires of that age called them, and fancied that they were.

It is evident that a very peculiar parliamentary constitution was required to give an expression to the real will of the nation, when the classes composing it were so divided, and when the very principle and nature of the government of the country was in dispute. What, indeed,

<sup>1</sup> Hallum.

it may be said, was the will of the country? The classes which have been specified did not agree in opinion, nor would one of them avowedly and explicitly agree to yield to the opinion of the class opposed to it. The squire would never have admitted that the fundholder was wiser than himself, nor would the fundholder have paid the least deference to the notions of the squire. The fact of the one having an opinion, would rather have tended to prevent the other from adopting it. How, then, was a national decision—a truly national decision—possible? It was possible in this way. The dissentient classes, as we may call those over whom Jacobitism and the extreme Toryism had the greatest influence—the rural gentry and the rural clergy—both yielded deference and homage, and to a certain extent confidence, to the higher gentry and the nobility, under whom, it may be said, they lived, near whose estates they were born, and who were the unquestioned heads of all the society to which they belonged. On political topics this was especially the case. Rugged prejudice of course existed, and ‘my lord’ was not always liked; still it could not but be felt that he knew more of the world, had access to better information, had enjoyed more of what were then the rare opportunities of travelling and education, than the lower gentry had. He possessed all the means of judging which they had, and others too. A certain deference was paid then to rank which is not paid to it now, because the inherent

difference between the highest orders and others in manners and in mind was much greater than any that exist at present. A national decision was then possible, and was then attained, because the classes who were the most likely to dissent, and who in reality did dissent, from what the rest of the nation wished, were precisely the classes most under the control of, and most likely to submit to, the moral influence of those who were above them.

Such being the state of the nation in the earlier part of the last century, there was an evident difficulty in giving a just expression to it. Scarcely any of the ordinary modes of government which theorists have suggested, or which continental nations have tried, would have succeeded in giving it. The most intelligent classes, those who were disposed to support the House of Hanover and the principles of liberty, were, as we have explained, the trading classes and the higher gentry. The class most confided in by the nation was the higher gentry and the nobility. Fortunately, the most trusted class was a portion of the most intelligent class: the chosen leaders of the country were a part at least of those whom it was best for it to choose for its leaders; the actual guides were some of the best guides who could be found. But what constitutional arrangements would be adapted to give them by law that guidance? In what manner could the indefinite and vague deference of the people be shaped and fashioned into a polity?



Any system of democratic suffrage, we may at once say, would have been unfitted for that end. The classes into whose hands it would have thrown the power were the lower classes, who could not be expected to have any intelligent appreciation of freedom, and in fact had none. Anything like universal suffrage would have been an enormous addition to the influence of the rural clergy and the smaller squires. These two classes, being resident in the country, being known to the lowest classes, distributing all the casual advantages which they had any chance of receiving, adjudging all the petty penalties of the local law which they had any risk of incurring, must have had preponderating influence over the rural population. They would have brought down from scattered villages and petty hamlets regiments of voters for the Stuart dynasty, who knew nothing of the real merits of the controversy to be decided, who were utterly ignorant of the very meaning of constitutional government, who could have given no account of the very nature and structure of Parliament, but who knew that the only educated persons they ever met, the only influential persons they ever saw—the parson of their own village, and the squire of it—had told them to do that which they were doing. We should have then seen in England that which we now see in France. The uneducated majority would have pronounced their decision; the country would have been forced to recognize it; the

law would have been compelled to enforce it. Instead of living under the constitution which we now have, we might, and probably should, have been living under a Jacobite despotism, sanctioned by the preponderant, we might say almost by the unanimous, vote of the rural population.

It may be objected, however, that the deference which we have admitted that the rural clergy and the lesser squires bore to the higher gentry would have prevented this result. It may be said that, although they would have by law possessed the power of influencing in the last resort the national destiny and deciding on the national constitution, they would not in practice have done so ; that they would have given up their own judgments, and would have been guided by the opinions of the classes whom they knew, and whom they admitted, to be their superiors. But experience shows that this is an error, and that those who entertain it have a mistaken view of a very important part of human nature. If you give people uncontrolled power, real, *bonâ fide*, tangible, felt power, they will exercise it according to their own notions. Of course this is only true of classes which *have* notions. An ignorant peasantry, for example, have none ; if you give them nominal political power, you do not give them anything they can understand, or appreciate or use. It is not real power to them ; it has none of the effectiveness of power in their hands : it is an instrument

they cannot employ to obtain any preconceived result; they are bewildered about its nature; they do not know what they are doing when they are exerting it; it is not anything they can prize, and use, and enjoy. But a class of gentry or clergy—a moderately educated class of any sort—is not in this position. It has views, opinions, wishes of its own: those views may be narrow, those opinions erroneous, those wishes foolish; but they have them. They are attached to them. If power is put into their hands, they will try to carry them out in action. Under a constitution which did not give them predominant power, the Tory squire and the Tory clergy were ready to give up their vague opinions and their floating predilections; but if they had been invested with a constitutional authority and a legislative omnipotence, they would never have given those opinions and predilections up, or imagined that they could give them up; they would have stiffened them into a compact creed, and tried to realize them under the despotism of the Stuarts.

It is therefore certain that no system of universal suffrage, or of very diffused and popular suffrage, would have secured the maintenance of the House of Hanover and the security of English liberty. The lower classes would themselves probably have been on the other side; and whether that be so or not, the persons who had the greatest, the surest, and the most diffused influence over them were indisputably on the other side for the most part.

It is certain, too, that no system of uniform but not universal suffrage which would have been endured by the country would have given at that time a real expression to the will of the country. As we have explained, the real opinion of the country was in accordance with the opinion of the wealthier trading and mercantile classes. They were zealous for the House of Hanover; the nation, though not zealous for it, was favourable to it. By establishing a high and uniform qualification for votes in large boroughs, and by giving a very considerable number of members to those large boroughs, it would have been possible, though it would have been difficult, to secure a Parliament with an opinion substantially in accordance with the decision of the nation. It would have been difficult, for the great towns were then few and scattered; the north of England, which now teems with them, was then a poor district, not only in comparison with what it now is, but also with many parts of the south as it was at that time. Still, by such a system as we have suggested, it would have been *possible* to throw the leading authority of the nation into the hands of the large towns, and into the hands of the richer persons in those towns. In practice, however, no such constitution would have been endured. The Tory gentleman would not have endured to be put under the yoke of the 'fundholder' or the manufacturer. The clergy would never have endured a subjection to the class among whom Dissent had the

greatest hold, and possibly a preponderating influence. To have attempted to have placed the country under the rule of the commercial classes in towns and cities, would have been a greater revolution than the change of the dynasty itself; it would have shocked the prejudices of the nation at large; it never suggested itself even to those very classes themselves.

Thus all ordinary systems of suffrage bring out one or other of two results. They would *either* have thrown preponderating and conclusive power into the hands of the lesser gentry and the clergy, *or* they would have thrown an equal and similar power into the hands of the manufacturers and merchants. The first result would have been easy: England was then a predominantly agricultural country, and it would have been very easy to frame a system of suffrage which would give the ordinary squire and the ordinary clergyman—the ruling classes in agricultural society then as now—a large predominance. Any system which gave what would seem in theory its due weight to the counties would have had that effect. A system might have been suggested which would have given enormous power to the large towns. But both these systems would have been inadequate to the end desired. That which gave preponderance to the ordinary landholder would have represented rather the tradition of Toryism than the present decision of the living nation; that which gave a preponderance to manu-

facturers and traders would have been offensive to almost all the country; it would have been unendurable by many classes of it; it would not have been, in fact, a government, for it could not have governed a country in which it had no root, and to whose keenest prejudices it was adverse.

The system which was in fact adopted obviated these defects. Its peculiar nature threw preponderant power into the hands of the higher gentry and the nobility. The smaller boroughs had fallen by a kind of necessity of nature into their hands; their influence in the counties was preponderant, if not overwhelming. As we have explained, this class was the one most trusted by the nation, which was universally believed to have the greatest political intelligence, whose opinions in matter of fact were coincident with those of all the most intelligent classes. Under any other system of representation, it would not have been possible to give to this class preponderant power. It is not in the nature of any extended system of suffrage to give to a small upper class any very considerable amount of power. Their numbers are few, and their votes are immeasurably outnumbered by the votes of their inferiors. It is not possible to establish in any country a system of uniform suffrage so narrow and so high as to give to this small upper class a preponderant authority in the country. It seems ridiculous in a popular government to give votes to a very few persons only;

and as soon as any uniform system of suffrage is extended beyond those few, it gives decisive predominance to the many, and on that very account withdraws it from the less numerous but more educated orders.

In this way, therefore, we think it certain that in the earlier part of the last century the old system of representation, by throwing into the hands of a peculiar and influential class the predominant authority in the state, was more beneficial to the nation than a more diffused and popular system would have been. The materials for the creation of constituencies both numerous and intelligent, both well educated and influential, did not exist. The practical choice was between an uninstructed number and a select few : our constitution gave the preponderance to the latter ; and in the great struggle between the House of Stuart and the House of Hanover—between the principle of legitimacy and the principle of freedom—the consequences were beneficial and were decisive. It not only secured the authority of a free government, but the ease with which it did so has disguised from us the difficulties with which it contended. The victory was so complete, that the recollection of the conflict is confused.

With that struggle, however, the singular usefulness of the old system of representation certainly ended. We do not think that, in the remaining part of the history of the eighteenth century, it gave at all a better expression to the national opinion than any other system would have

done. Various writers have made charges against the English government on account of the wars which marked the period; but we think unjustly. On the whole, no nation of equal strength, of equal courage and of equal pride, has ever in the history of the world pursued a course so tranquil. We were entangled in a Spanish war; we were induced by our Hanoverian connections to intermeddle unnecessarily in Germany; we were at war occasionally, as in every century we have from time to time been, with France: but none of these wars were wars of ambition. We wished when at war for national glory: we were not sorry to go to war because we thought we might gain glory in it; but we never went to war with a distinct desire for territorial aggrandisement. We have never had in our national character any principle of aggression. We have no such settled inciting motive. On the contrary, we wish that every one shall have his own—shall retain whatever he has already by right or by prescription; though we are jealous—jealous even to slaying—of any one who by hint, allusion, or suggestion, throws a doubt upon our own title to anything which we already have. We are by nature unwilling to relinquish, though we are not desirous to acquire.

The actual government of the last century carried out these principles fairly and well; but it is probable that any other government which the English people would



have borne would have done so equally. A more democratic government would perhaps have been more warlike; but an English democracy will probably never be very warlike; it will never engage in a continued series of intentional aggressions; least of all would it have done so in the last century, when there was no struggle in Europe which could arouse the popular passions, and no cause which could interest profoundly the popular imagination. The wars of Protestantism had passed away, and the wars of Jacobinism had not yet begun. It is possible that a more democratic government would, with its inherent aggressive instincts, have interfered somewhat more in the petty wars of circumstance and occasion which complicate the history of the last century, and make it so tedious to us now. But we did interfere a good deal in them as it was. For an aristocracy, ours has never been a pacific aristocracy. It is in many ways their boast, their pride, and their merit, that they have less of the distinctive peculiarities of an aristocracy than any other which has ever existed; they claim justly to have a more popular interest, and a more vigorous sympathy. The blame that attaches to them is similar: they have shown the same qualities in the defects of their government; they have had but little of the refining, calculating, diplomatic habit which usually characterizes the policy of an hereditary class that has much to lose in war, and much to enjoy in peace. The English aris-

toeracy is the most warlike of great aristocracies, and the English nation is the least warlike of free nations. Few of the many threads of union which so richly pervade our social system have been more influential than this one. We have had much of martial manliness where we should have expected but little; we have had much of apathetic indifference where we might have looked for an aggressive passion. The warmth above has been greater, and that below less, than a theorist would have expected; and therefore our social fabric has been more equable in temperature than we should have ventured to predict.

In the quiet times, therefore, of the middle part of the eighteenth century there is no particular reason for believing that our old system gave a much better or a much worse representation to the national voice than any other system might have been expected to give. In the more troubled times of the American war and the French war, there is even less reason to think that any other system would have varied much the course of our policy. We should have tried to conquer America under any government; and we should have tried to resist the aggressive proselytism of France under any government. We may form our own opinions now of the expediency, the justice, or the possibility of these attempts; we may think that the American war showed national narrow-mindedness, and the French war showed national irrita-

bility ; but the indubitable fact remains, that both the one and the other were popular in their day, and that both were thoroughly acceptable to the community at large as well as to the aristocracy.

There is, however, great and conclusive reason to believe that, during the later period of its existence, the old system of representation had an inherent defect peculiar to itself, which, if it did not disqualify it altogether for giving a correct embodiment to national opinion, made it much less likely than most other systems of representation to do so perfectly. The social condition of England had undergone a series of very extensive changes between the time of the accession of the House of Hanover and the year 1832. A new world—a world of industry and manufacture—had been created ; new interests had arisen ; new modes of thought had been awakened ; new habits of mind had been engendered. The mercantile and manufacturing classes, which had risen to influence, were naturally unrecognized by the ancient constitution ; they lived under its protection, but they were unknown to its letter ; they had thoughts which it did not take account of, and ideas with which it was inconsistent. The structure of English society was still half feudal, and its new elements were utterly unfeudal. It was impossible to subject Lancashire, such as it became, to the dominion of any aristocracy, however ancient and long-descended it might be. Such rulers were not fitted for

such subjects, nor were such subjects fitted for such rulers. Between the two classes there was a contrast which made the higher unintelligible to the lower, and the lower disagreeable to the higher. Education, moreover, was diffusing itself. The political intelligence of the aristocratic classes was no longer so superior to that of other classes as it had formerly been. The necessary means of information were more widely accessible than they had been, and were very extensively used. The contrast between the constitution of England and England itself in consequence became day by day greater and greater, and at last became unendurable. We have not space to go into detail on this part of the subject, and it is not necessary to go into detail about it. If it had not been for the terror excited throughout Europe by the French revolution, the old system of parliamentary representation could hardly by possibility have lasted as long as it did. In the end it passed away; and the recollection of the evils of its latter time has obscured the remembrance of its former usefulness. As we have shown, it long gave us a Parliament coincident in judgment with the nation; it maintained upon the throne the dynasty under which we live, and secured the foundations of English liberty. It long worked well, and if at last it worked ill, the excuses for its doing so were many. It had survived all that was akin to it, and was in contact with everything which was most

discordant to it. A constitution which was adapted to the England of 1700 must necessarily have been unadapted to the England of 1832. Changes so momentous as there had been between those years in our society required and enforced an equivalent alteration in our polity.

Such is the general result of this long examination of our old system of representation in the main quality of a representative system—that by which above all others it must stand or fall—its coincidence with the *real* national opinion. We see that this is a mixed and a complicated, but not on the whole an unsatisfactory one. We will now shortly examine our old system in three other respects. Did it give a means of expression to the views of all classes? Did it secure to us really strong administrations? Did it train for us efficient statesmen? If we can in any way answer these questions, it will, we think, be admitted that we have discussed the most important part of the subject, and examined our former system of representation by the tests that are most stringent and satisfactory.

In the second requisite of the representative system, that which existed in England in the last century must be considered to have been successful. It gave a means of expression to all classes whose minds required an expression. The mercantile and trading class had not, as we have just explained, their due weight in the

system of government; they did not regulate all that they should have regulated, or control all that they should have controlled; but they had always the means of expressing their sentiments. They had not, especially in the later times, a representation proportioned to their intelligence and their influence; but they always had *some* representation. The gentry were not only represented, but over-represented. Especially during the closing years of the eighteenth century and the first few years of the nineteenth, their influence was unreasonably great, and their despotism absolute. They ruled the country without check and without resistance; they were subject only to a weak and modified remonstrance; they had but to listen in the House of Commons to the speeches of those whom they could immeasurably outvote; they had but to quell out of doors the unrecognized murmurs of an unorganized multitude, which had long obeyed them, which was still ready to obey them, which did not know its own power.

With respect to the lowest class of all, the working of our own system of representation is peculiarly instructive. That system, by its letter, attempted to throw a good deal of power into their hands. In a great number of boroughs the suffrage, as we have seen, was practically all but universal; all inhabitant householders not receiving alms very frequently had votes. What is now so much desired, the representation of the working-classes

then really existed. In Stafford, in Coventry, and in other places, the lowest classes were preponderant. Those classes had then the means of making their voice heard, and their sentiments known in Parliament. They had some influence in the State, though they did not rule the State. In theory our constitution was at that time in this point perfect. As we read the description of it, we believe that nothing could be better. In practice it was a failure. The trial of the experiment demonstrated that it is useless to provide means for expressing the political thoughts of classes who have no such thoughts. The freemen of Stafford and Coventry did not send to Parliament members who really and truly expressed the opinions and sentiments of the working-classes, because the working-classes had no opinion on matters of legislation and administration, and had only vague ideas of what was passing in their time. For the most part, they used the power which was given to them, not as an opportunity of influence, but as a source of income. They did not think of it as something by which they could control the rich, but as something which they could sell to the rich. Sheridan has left an amusing document as to the constituency of Stafford. They probably did not expect that so unbusinesslike a person should have preserved so businesslike a document; but it is as follows:—

*R. B. Sheridan, Esq. Expenses at the Borough of Stafford for  
Election anno 1784.*

248 Burgesses, paid £5 5 0 each . . . . £1302 0 0

*Yearly Expenses since.*

	£	s.	d.
House-rent and taxes . . . . .	23	6	6
Servant at 6s. per week } board wages . . . . .	15	12	0
Ditto, yearly wages . . . . .	8	8	0
Coals, etc. . . . .	10	0	0
	<hr/> 57 6 6		
Ale-tickets . . . . .	40	0	0
Half the member's plate . . . . .	25	0	0
Swearing young burgesses . . . . .	10	0	0
Subscription to the Infirmary . . . . .	5	5	0
Ditto clergymen's widows . . . . .	2	2	0
Ringers . . . . .	4	4	0
	<hr/> 86 11 0		
One year . . . . .	143	17	6
Multiplied by years . . . . .			6
	<hr/> 863 5 0		
Total expense of six years' parliament, exclusive of expense incurred during the time of election and your own annual expenses . . . . .	<hr/> £2165 5 0		

Corruption of this kind, and perhaps sometimes greater in degree, prevailed in almost every town in which the suffrage was very extended. As the wealth of the country grew, the price of votes became greater. If the old system of representation had endured till now, we can scarcely estimate how great it would by this time have become. Experience proved what our theories



suggest, that the enfranchisement of the corruptible is in truth the establishment of corruption.

In one respect, however, the representation of the working classes which we formerly had in this country may be considered to have been successful. The towns in which the suffrage was practically universal at times sent to the House of Commons, not spokesmen of their own grievances, but spokesmen of grievances in general. Sir Francis Burdett is but the type, and the best-known instance, of a whole class of members who, in former times, were always ready to state any one's complaints, without much inquiry whether they were true; to bring forward a case, without much asking whether it were very well founded; to make a general declamation about the sufferings of the country which was a kind of *caveat* against abuses in general, and might be construed as a protest against any particular one which chanced to occur. Such indiscriminating and vague invectives had their use. They prevented gross instances of administrative harshness—at least they tended to prevent them. They prevented the air of politics from becoming stagnant; they broke the monotony of class domination. But it may be questioned whether, on the whole, their influence was beneficial. These reckless orators had but little moral weight; they were too ready with their statements to get them trusted, they were too indiscriminating in their objections for those objections to

have influence. A weak Opposition is commonly said to be more advantageous to a government than no Opposition at all; it gives an impression to the public that all which can be said against the plans of the Cabinet has been said; it gives an impression that what is unchecked is checked, that what is uncontrolled is controlled. It diminishes the practical responsibility of an administration, by diminishing the popular conception of its power. In the same way, the vague demagogues who occasionally appeared in the old House of Commons did not weaken the substantial power of the classes that ruled there. They were 'his majesty's' objectors. It was their province to say that whatever was done was done wrong. It was not therefore of much consequence what the administration did. They were sure of its being opposed, they were sure of its being carried; and they had therefore the advantage of complete power without the odium of enforcing silence. A despotism disguised in this manner is perhaps more uncontrolled than any other despotism:—such, however, was the mode in which the attempt of our old system of representation to give special members to the lowest classes really operated. It failed in what may be considered its characteristic function. The ideas of the lowest classes on politics were still unheard in the legislature, because those classes had no ideas. A confused popular feeling sometimes sent popular orators to Parliament. But the kind of indis-

criminate objection and monotonous invective which those orators made use of without ceasing, seem to have been rather an assistance than an obstruction to the governing classes. The lesson of the whole history indubitably is, that it is in vain to lower the level of political representation beneath the level of political capacity; that below that level you may easily give nominal power, but cannot possibly give real power; that at best you give a vague voice to an unreasoning instinct, that in general you only give the corruptible an opportunity to become corrupt.

It is often said, and commonly believed, that the old system of representation secured, under almost all circumstances, the existence and the continuance of what is called a strong government: it is believed that under that system the administration of the day had almost always the power to carry any legislative measure which it deemed beneficial, and to do any executive act which it might think fit. History, however, when it is accurately reviewed, affords little or no confirmation of this idea. Many parts of the history of England during the existence of our old constitution bear, on the very face of them, the most conspicuous evidence that there was then no security for the existence of a strong executive government. Many administrations during the last century, so far from being preëminently powerful, were not moderately coherent. The earlier part of George the Third's

reign is simply the history of a series of feeble governments, which had little power to act as they intended, or to legislate as they desired. The traditional notion of the strength of governments in former times is founded upon the enormous strength of the administrations which successively directed the long struggle with France and Napoleon. The French revolution frightened the English nation; it haunted the people of that generation so much, that they could not look anywhere but they imagined that they saw the traces of it. Priestley interpreted the prophecies by means of it; Mitford wrote Grecian history by the aid of it. If its effect was so striking in the out-of-the-way parts of literature, in politics its effect might well be expected to be extreme. It *was* extreme. The English people were terrified into unity. They ceased to be divided into parliamentary sections, as their fathers were divided, or as their grandchildren are now divided. The process by which the unanimity of the nation created a corresponding unanimity in the House of Commons was simple and was effectual. The noblemen and gentlemen who had the greatest influence in the counties, and a certain number of whom were proprietors of boroughs—the class which, as we have seen, had a despotic control over the House of Commons as it then was—felt the antipathy to French principles as much as any other class; perhaps they did not feel it more, though some persons have thought they did, than the rest of the

nation; but they undoubtedly did not feel it less. The Parliament was as united in its dislike to Jacobinism, and in its resistance to Napoleon, as the nation was; and it could not be more so. The large majorities, therefore, of the administrations of Mr. Pitt and Lord Liverpool, are not attributable to any peculiar excellence in the parliamentary constitution of that period; any tolerable system of parliamentary representation would equally have produced them; the country was too united for even an approximate representation of it not to be so.

It is undoubtedly, however, believed by very many persons that the old system of representation contained a peculiar machinery for securing the strength of the executive. This theory, it has been well observed, constituted the 'esoteric doctrine of the Tory party. The celebrated question asked by the Duke of Wellington, "How is the king's government to be carried on if the bill passes?" which has since received a practical answer, indicates without concealment the real view of English government entertained by him and his party. They held that if the majority of the House of Commons consisted of persons not nominated by great borough proprietors, but freely chosen by genuine popular election, the government could not be carried on. They believed it to be necessary that a government should repose upon an immovable phalanx of members for close boroughs; and that the members returned for open seats should be

a minority, who would confine themselves to criticising the government in their speeches, without being able to shake its stability by their votes.'<sup>1</sup> In this conception there was, indeed, an obvious difficulty : it provided that a large majority in Parliament should be always maintained by the close union of the members for the smaller boroughs. But who was to keep those members themselves united ? They represented only the proprietors of their respective seats, and who was to keep either them or those proprietors always of one mind ? If the nation at large was divided, why should not these persons partake of the division ? The advocates of this theory had a ready answer ; they said that the proprietors of the boroughs, and the members for them, were to be kept on the side of the government by means of the patronage of the government ; they thought that places should be offered to the borough owners and to the borough members for their friends and for themselves ; and that in this way they might be kept united, and be always induced to support the administration. This theory was not a theory merely ; it was reduced to practice by several prime ministers—by the Duke of Newcastle, by Sir Robert Walpole, and by others. Those who tried it had undoubtedly a great advantage ; they had the materials that were needful, they had the patronage. We have no space to inquire how the establishments of the last

<sup>1</sup> *Edinburgh Review*, Jan. 1859.

century came to be so cumbrous; but most cumbrous they were. We are amazed nowadays at the names of the old sinecures, at the number of half-useless places, at what seems the childish lavishness of the public offices; but this profusion, though not perhaps created for a purpose, was used for a purpose. Old feudal offices, which had once served to mark the favour or the gratitude of the Crown, were employed as a kind of purchase-money to buy the adhesion of parliamentary proprietors: peerages, too, were used to the same end; all the available resources of the age, were, in truth, concentrated upon it. In part this consistent exertion of very great means of influence was effectual; sometimes it really did make a government strong; and some writers, who have not duly weighed the facts of history, have believed that it always must do so: but there are in its very nature three fundamental defects, which must always hinder its working for a long period with constant efficiency.

In the first place, the theory of this machinery is that the patronage of the Crown is to be used to purchase votes. But *who* is to use the patronage? The theory assumes that it is to be used by the minister of the day. According to it, the head of the party which is predominant in Parliament is to employ the patronage of the Crown for the purpose of confirming that predominance. But suppose that the Crown chooses to object to this; suppose that the king for the time being should

say, 'This patronage is mine ; the places in question are places in my service ; the pensions in question are pensions from me : I will myself have at least some share in the influence that is acquired by the conferring of those pensions, and the distribution of those places.' George III. actually did say this. He was a king in one respect among a thousand : he was willing to do the work of a Secretary of the Treasury ; his letters for very many years are filled with the petty details of patronage ; he directed who should have what, and stipulated who should not have anything. This interference of the king must evidently in theory, and did certainly in fact, destroy the efficiency of the alleged expedient. Very much of the patronage of the Crown went, not to the adherents of the prime minister, because they were his adherents, but to the king's friends, because they were his friends. Many writers have been very severe on George III. for taking the course which he did take, and have frequently repeated the well-known maxims which show that what he did was a deviation from the constitution. Very likely it was ; but what is the use of a constitution which takes no account of the ordinary motives of human nature ? It was inevitable that an ambitious king, who had industry enough to act as he did, would so act. Let us consider his position. He was invested with authority which was apparently great. He was surrounded by noblemen and gentlemen who



passed their life in paying him homage, and in professing perhaps excessive doctrines of loyal obedience to him. When the Duke of Devonshire, or the Duke of Bedford, or the Duke of Newcastle approached the royal closet, they implied by words and manners that the king had immeasurably more power than they had. In fact, it was expected that he should have immeasurably less. It was expected that, though these noblemen daily acknowledged that he was their superior, he should constantly act as if he were their inferior. The prime minister was, in reality, appointed by them, and it was expected that the king should do what the prime minister told him; that he should assent to measures on which he was not consulted; that he should make peace when Mr. Grenville said peace was right; that he should make war whenever Mr. Grenville said war was right; that he should allow the offices of his household and the dignitaries of his court to be used as a means for the support of cabinets whose members he disliked, and whose policy he disapproved of. It is evident that no man who was not imbecile would be content with such a position. It is not difficult to bear to be without power, it is not very difficult to bear to have only the mockery of power; but it is unbearable to have real power, and to be told that you must content yourself with the mockery of it; it is unendurable to have in your hands an effectual instrument of substantial influence, and also to act day by day

as a pageant, without any influence whatever. Human nature has never endured this, and we may be quite sure that it never will endure it. It is a fundamental error in the 'esoteric theory' of the Tory party, that it assumed the king and the prime minister to be always of the same mind, while they often were of different minds.

A still more remarkable defect in the so-called strength procured under the old system of representation by the use of patronage, was the *instability* of that strength. It especially failed at the moment at which it was especially wanted. A majority in Parliament which is united by a sincere opinion, and is combined to carry out that opinion, is in some sense secure. As long as that opinion is unchanged, it will remain; it can only be destroyed by weakening the conviction which binds it together. A majority which is obtained by the employment of patronage is very different; it is combined mainly by an *expectation*. Sir Robert Walpole, the great master in the art of dispensing patronage, defined gratitude as an anticipation of future favours; he meant that the majority which maintained his administration was collected, not by recollection, but by hope; they thought not so much of favours which were past as of favours which were to come. At a critical moment this bond of union was ordinarily weak. If the minister of the day should fail, he would confer favours no longer; the patronage that was coveted would pass into the gift of

the minister who succeeded him. The expectation upon which a minister's strength under the old system of representation was based, varied, therefore, with the probability that he would succeed. It was most potent when it was certain that the minister would be victorious; it was weak and hesitating when it was dubious whether he might not be beaten and retire. In other words, that source of strength was prolific when it was not wanted; when it was wanted, it was scarcely perceptible. In a time of doubt and difficulty every member of such a majority inevitably distrusted his neighbour. If others deserted the government, his support would be useless to the minister, and pernicious to himself. A man who wanted places would wish to support, not the administration which was about to go out, but the administration which was just coming in. A curious example of this tendency is preserved in the memoirs of Lord Rockingham. 'I will go through,' said the Duke of Newcastle, the minister who was just going out—'I will go through the elections as well as I can, and endeavour to see what they (the Court) really intend. I think it is too late for them to do any mischief. They may be disagreeable, and defeat some of our friends, and act directly contrary to what they promised; but they can't now alter the tone and complexion of the new Parliament: that is all settled, and so far my staying in to this time has been of use.' On the above letter the second Lord Hardwicke

has made the following remark :—‘ Notwithstanding the choice of the Parliament, which the Duke of Newcastle piques himself upon, they forsook him for Lord Bute when his standard was set up.’ Lord Bute was of course the minister who was about to come in, and who, after a very brief interval, did come in. In like manner, much of the strength of Sir Robert Walpole passed to Mr. Pelham, and Mr. Addington succeeded to much of Mr. Pitt’s. In these cases, as soon as it became pretty clear that the minister of the day would soon cease to be such, almost all the parliamentary following, which was procured by the expectation of receiving from him places and pensions, very rapidly melted away.

It was, of course, still more certain that when the minister of the day had really ceased to be minister, and was not likely to return, no one thought much about him. The power that was gained by the use of patronage was not only unstable in the popular sense of being weak and easily overthrown, but it was unstable also in the peculiar sense in which the mathematicians use that word, for when overthrown, it was very difficult to set it up again. It had not any intrinsic tendency to return of itself to the state of equilibrium. The best example of this is to be found in one of the features of the old system of representation which is most frequently regarded as strengthening the government. There were certain boroughs called Treasury

boroughs, in which there were dockyards or other government establishments, and in which the administration for the time being had, as such, a predominant influence. These boroughs ensured the minister who was in power at each parliamentary election some sixteen votes. But the singular insecurity of such a source of strength is very clear. The existence of it was a premium upon dissolutions. A new administration could certainly count in a new Parliament on diminishing their adversaries' strength by a considerable number of votes, and on augmenting their own strength by the same number of votes also. When parties were equally divided, such a foundation of power could not but be weak. A minister might possess it to-day; but if his adversary should come in and dissolve, it would cease to aid him, and begin to aid that adversary.<sup>1</sup>

<sup>1</sup> The following is the list given of the government boroughs:—

<i>Treasury.</i>									
Dartmouth	.	.	.	.	.	.	.	.	2
Dover	.	.	.	.	.	.	.	.	1
Harwich	.	.	.	.	.	.	.	.	2
Hythe	.	.	.	.	.	.	.	.	2
Windsor	.	.	.	.	.	.	.	.	1
Hampshire	.	.	.	.	.	.	.	.	2
Yarmouth (Norfolk)	.	.	.	.	.	.	.	.	1
									—11
<i>Admiralty.</i>									
Queenborough	.	.	.	.	.	.	.	.	1
Rochester	.	.	.	.	.	.	.	.	1
Sandwich	.	.	.	.	.	.	.	.	2
									—4
<i>Ordnance.</i>									
Queenborough	.	.	.	.	.	.	.	.	1

Total number of members returned by government in  
 England and Wales only . . . . . 16  
 The whole representation of Scotland was in much the same position.

This characteristic instability of a majority procured by patronage inevitably weakened the confidence of a prime minister in a struggle with the Crown. Theoretical writers have often blamed the successive prime ministers of George III. for permitting him to interfere with the distribution of what was, by the ordinary theory of the constitution, their patronage. But they could not help it. The king had at critical moments the power of saying who should be minister. He could at least, in times when the divisions were close and the government was weak, at any moment transfer the purchasing power from the head of the administration to the leader of the opposition. It was in consequence impossible for any minister on dubious occasions to refuse the king a share in the patronage. If he did not concede some of it, he would in all likelihood lose the whole of it.

A third inherent defect in the administrative strength obtained by the use of patronage is its certain unpopularity. Mankind call it corruption. Refined reasoners may prove, or fancy they prove, that it is desirable; they may demonstrate that it is possibly in some degree inevitable; but they will never induce ordinary men to like it. Of all governments, it is the least impressive to the popular imagination. It seems not only to have vice for its adjunct, but vice for its principle. All governments are feeble which cannot appeal with confidence to the moral instincts of their subjects; but it appears

almost impudent in this one to attempt to do so. It exists because it has successfully applied bad motives to men susceptible of bad motives. As the secret of its power appears to be base, it loses its hold over the loyalty of mankind. We have seen this exemplified in a conspicuous instance in France. The monarchy of Louis Philippe was weak because it was believed to be maintained by bribery and to be supported from immoral motives. The same cause long weakened, and was at last the chief agent in destroying, the long, prosperous, and able ministry of Sir Robert Walpole. It was to no purpose that he governed well; it was to no purpose that he administered general affairs consummately, or that he regulated the finances wisely; it was to no purpose that he showed that those who opposed him were impelled to do so by very mean motives: no defensive considerations availed him. It was believed that his government was maintained by corruption, and a kind of disgust gradually grew up towards it, long impaired, and at length annihilated it. Every government under the old system of representation that continued long in office was sure to contract this stain; that of Lord Liverpool did not escape it. There were sure to be some instances of misapplied patronage, which inevitably incurred the censure and irritated the feelings of thinking men. This unpopularity is a source of more continued weakness to a government than would be at first sight imagined. It

might be thought that an administration with plenty of votes would have plenty of courage ; but it is not so. A certain timidity belongs to all oligarchies, and to an unpopular oligarchy—to an oligarchy that is believed to rest upon corruption—above all. It is timid at every outcry, and it yields whenever it can. In the plenitude of power Sir Robert Walpole did not press his excise scheme, though it was a wise one, and though he was sure that it was so ; he felt that at a crisis he was weak, that the popular odium was not compensated by parliamentary support. Make what refined devices we may, in every free government any strong opinion that possesses the multitude will be powerful ; it will not be least powerful where the government is conscious that it rests upon a basis which is odious to common men, and which therefore shuns a popular scrutiny.

For these reasons, therefore, we think, when the subject is accurately examined, the supposed strength which the administrations of the last century are commonly said to have derived from the employment of patronage was a strength rather seeming than substantial. It added to the strength of administrations otherwise strong, and that did not need it ; but it was not in its nature to strengthen those which were weak, or to aid, as it is sometimes believed to have aided, tottering administrations in a fatal division.

But even for this strength, such as it was, the



people of the last century paid a very heavy price. They purchased it by the almost total sacrifice of efficiency in administration. We can hardly at the present day conceive how utterly feeble that administration formerly was; nor have we space to go into the details of the subject. But one test on the subject may be easily used; we mean the test of success. Our administrative system was subjected in the last century to three of the most searching tests of efficiency. It was tried by a prolonged riot in the capital, by a rebellion within the island, by the resistance of our greatest colonies. If any events can bring out the latent vigour of an administration, these would probably bring it out. They did not, however, do so. We all know the utter feebleness and miserable inefficiency with which the mobs of 1780 were resisted, if resistance it can be called. We know that London was then almost as much at the mercy of its worst inhabitants as Paris has ever been. But it is not so generally known that similar events nearly as bad, though not quite as bad, had happened before; but they did happen. In Hume's *Correspondence* there is a curious description of the riots of 1765: 'Another very extraordinary event is the riot which the silk-weavers have made for some days past. They got a bill passed in the House of Commons to prevent more effectually the importation of foreign silks, which the Duke of Bedford threw out in the House of Lords. The next

day, above ten thousand of these people came down to the House, desiring redress, with drums beating and colours flying. They attacked the Duke of Bedford in his chariot, and threw so large a stone at him, that if he had not put out his hand, and saved his head by having his thumb cut to the bone, he must have been killed. He behaved with great resolution, and got free of them; since which time he has remained blockaded in his own house, and defended by the troops. Yesterday the same number of weavers assembled again at the House of Lords, where the horse and foot guards were to secure the entry for the peers. The mob were ranged before the soldiers, and their colours were playing in the faces of his majesty's troops. The degree of security with which these people commit felony seems to me the most formidable circumstance in the whole: they carry in their whole deportment so much tranquillity and ease, that they do not seem apprised of the illegality of their proceedings. It is really serious to see the legislature of this country intimidated by such a rabble; and to see the House of Lords send for Justice Fielding, to hear him prove for how many reasons he ought not to do his duty. The Duke of Bedford is still in danger of his life if he goes out of his house; and we expect to see the same number of people assembled every day, till something more vigorous is done than any one has yet chosen to propose. The spirit of robbing has gone forth in this

nation to a degree that we have not experienced this century past, and it will not be found so easy a matter to quell it' (pp. 55, 56).

No description can be more graphic of the weakness of a feeble administration, unmoved by evident danger. We need not dwell on the other instances of inefficiency to which we have alluded. In 1745, the administration of the day—a divided and discordant administration, it is true—permitted a small body of half-disciplined Highlanders to advance into the centre of England. So imperfect were their arrangements, that some good judges of evidence have thought that if Charles Edward had pushed on towards London, he might have succeeded in taking it. The war with our North-American Colonies was conducted with as little wisdom and energy; it could not be with less. The whole strength of the empire was never put forth; and historians have often wondered at the series of petty expeditions and inconclusive conflicts with which so great a country as England endeavoured to reduce so great a country as America. Lord North's government was perhaps somewhat feebler than many of the governments of the last century; but even if so, it is only because it exhibits the characteristic defects belonging to them all in a conspicuous and aggravated form. It was not exceptionally inefficient, but characteristically inefficient.

The explanation of this inefficiency is simple. It

was caused by the abuse of patronage; or rather, to speak the language of the old Tory theory, by *the use* of it to bribe members of parliament and proprietors of boroughs. George II. is reported to have said to Sir Robert Walpole, 'I won't have my army jobbed away for your members: it shan't be.' It had been, however; and the state of the English army at the commencement of the long war with France is a conclusive proof of it. Burke, in his speech on economical reform, has explained this point with more humour than is usual with him:

'There was another disaster far more doleful than this. I shall state it, as the cause of that misfortune lies at the bottom of almost all our prodigality. Lord Talbot attempted to reform the kitchen; but such, as he well observed, is the consequence of having duty done by one person, whilst another enjoys the emoluments, that he found himself frustrated in all his designs. On that rock his whole adventure split—his whole scheme of economy was dashed to pieces; his department became more expensive than ever; the Civil List debt accumulated—why? It was truly from a cause which, though perfectly adequate to the effect, one would not have instantly guessed—it was because the *turnspit in the king's kitchen was a member of parliament*.<sup>1</sup> The king's domestic servants were all undone;

<sup>1</sup> Vide "Lord Talbot's speech, in Almond's *Parliamentary Register*, vol. vii. p. 79, of the proceedings of the Lords."

his tradesmen remained unpaid and became bankrupt—*because the turnspit in the king's kitchen was a member of parliament.* His majesty's slumbers were interrupted, his pillow was stuffed with thorns, and his peace of mind entirely broken—*because the king's turnspit was a member of parliament.* The judges were unpaid; the justice of the kingdom bent and gave way; the foreign ministers remained inactive and unprovided; the system of Europe was dissolved; the chain of our alliances was broken; all the wheels of government at home and abroad were stopped—*because the king's turnspit was a member of parliament.* The efficiency of the public offices was sacrificed, in order that the best posts in them might be better used as parliamentary purchase-money. It would have been a heavy price to pay, even for a government that was really strong.

It is curious, that though under our old constitution so heavy a price was paid for parliamentary support, and so little support was at critical moments obtained for that price, the governments of that day did very little with the strength which they so bought, after they had bought it. We nowadays consider that the first use which a prime minister will make of a large majority, is to legislate with it. In the last century men did not think so. Lord John Russell justly said in the House of Commons, that there was no statute, no act of legislation, which we can connect with or can trace to Lord Chatham,

who was the most celebrated minister of England during the last century. There have been a greater number of important Acts of Parliament passed in the last twenty years than in the previous hundred and twenty. The people of England, a hundred years ago, and their Parliament also, were habitually satisfied with their existing institutions: they did not care to abolish any of these, or to introduce any new ones. Accordingly, when the minister at that time had bought his majority, he had nothing to do with it except to keep himself minister.

On the whole, therefore, we do not think that our old system of representation is entitled to the credit which it has often received for causing and maintaining strong administrations. The ingenious devices which it contained seem to us to have failed whenever they were really wanted; and we conclude, from the entire history of the last century, that governments were then only strong when public opinion was definite and decided, and when that is so they will be strong now.

The only one of our questions as to our old system of representation that is still unanswered is, What was the degree of its suitability for training and developing statesmen? Lord Macaulay has in more than one part of his writings expressed a doubt whether all representative systems are not in this respect defective. They require, he says, that an influential statesman

should be an orator, and especially a ready and debating orator; and this, he considers, is inexpedient. He appears to believe, both that the practice of debating injures the intellect, and that the conviction of its necessity makes a statesman prize and practise qualities which are not essential to his true calling in preference to those which really are so. He believes that the statesman is induced to think more of the House of Commons, and of the effect which his measures would produce there, than is desirable; and also, that the habit of defending those measures by very questionable arguments disorganizes the intellect of a statesman and renders it much less fit than it would otherwise be for the investigation of important truths. There is doubtless some truth in these ideas; the practical working of a representative government often tends to produce these hurtful effects upon the minds of the statesmen who are eminent under it. And not only so. All free governments are to some extent unfavourable to much originality of mind in their influential statesmen. They necessitate an appeal to the people; and the mind of the people is almost by definition ordinary and commonplace. The opinions of the majority of mankind necessarily partake of these qualities; and those who have to please that majority must in all ages, to some extent, cultivate them. And these are serious disadvantages. But, on the other hand, it may be fairly believed that no system which has

yet been devised secures for the most eminent statesmen in a nation so large a number of great qualities as are necessary for the prime minister under a well-developed system of parliamentary government. It is true, that a man who is eminent in that position may not be in the least eminent in abstract or original reflection; it is possible that he may be beneath the average capacity of men in that respect. But, on the other hand, this defect is not peculiar to a parliamentary system of government. No device has yet been suggested for securing the supremacy in the state to persons capable of original thought. A prime minister under a parliamentary constitution must have a very great number of other great qualities. He must be a man of business long trained in great affairs; he must be, if not a great orator, a great explainer; he must be able to expound with perspicuity to a mixed assembly complicated measures and involved transactions; he must be a great party leader, and have the knowledge of men, the easy use of men, and the miscellaneous sagacity, which such eminence necessarily implies; he must be a ready man, a managing man, and an intelligible man: and under no other system of government with which we are acquainted is there any security that all these, or an equal number of other, important qualities will constantly be found in the ruler of a nation. All these qualities the system of representation which existed in England



during the last century secured to the utmost. We might easily run over the names of the eminent statesmen whom it produced, but it is needless; we know that they were eminent, and we know that they were many.

A claim has often been made on behalf of the old close boroughs, that the number and the greatness of these statesmen is due to them. A very long list of the names of the statesmen who were brought into Parliament during the last century by those boroughs is set forth, and it is alleged that the excellence of these great statesmen was a conspicuous advantage which resulted from the machinery that introduced them to public life. But to this argument there will be found, when the subject is narrowly examined, to be several important qualifications.

In the first place, a great number of remarkable men undoubtedly came into Parliament under the old system of representation by means of the close boroughs, simply and solely because that was at that time the readiest and simplest mode of coming in. If any other mode had been the readiest, they would have availed themselves of that instead. Take the case of Sir Robert Walpole. Had any man that ever lived more of the qualities, the good and the bad qualities, of a great popular candidate? He was genial, sagacious, and unsensitive. He would have managed the mob, and managed the attorney, and managed the electors, better almost than any other of

our remarkable statesmen; yet he came in for a close borough. Circumstances threw that mode of entering public life into his path, and he took advantage of it immediately; but if the system of representation then prevailing in England had been a different one, he would have taken advantage of that also. We must not give the close boroughs a peculiar credit for all the eminent statesmen who entered into the House of Commons by means of them, but only for such of the great statesmen as, from the nature of their mind and the peculiarity of their circumstances, would most likely not have entered Parliament in any other way; and these are not many.

This is one great qualification. A still more important one remains. A great number of able men came into Parliament formerly who do not appear there now, because there was a motive to enter it at that time which does not now exist. Public life was in the last century not only a career, but a livelihood. It was possible to make a subsistence, and even a fortune, by it. Take the case of the first Lord Liverpool: he was a man of no extraordinary genius or unequalled abilities; he was simply a man of plain, strong, ordinary understanding; he had good sense, and good habits of business: he had no qualities which a very great number of young men in every generation may not be sure that they have. Nevertheless he began life with scarcely any money, he

passed a long life in the service of the State, he lived in affluence, and he provided amply for his family. The possibility of such a career could not but render public life in the highest degree attractive. Fortune as well as fame were, it was evident, to be obtained in it by sound abilities and good management. In consequence, a very great number of young men were glad to enter Parliament; and if the same incentives had been continued to the present day, when education is so much more general, and social advantages so much more diffused, it is difficult to say how much that number might not have been by this time augmented. If the places and pensions, the patent offices and the sinecures, from which the profitability of public life was derived, were still in existence, very many of the ablest, the most cultivated, and the most interesting young men in every generation would be desirous to enter Parliament. They would throng any avenue which was open for their purpose; they would address, and perhaps not unsuccessfully, the electors of boroughs, whether small or large; they would attempt to gain a share of our county representation, exclusive as that still in some degree is. We perhaps are not likely to see again in England a time when public life will afford the means of subsistence, as well as the opportunities of ambition. We do not, on the whole, regret the change that has taken place. We do not say that it should be lamented; but it has its disadvantages.

The public cannot expect to be so well served by its statesmen now that it is served gratuitously, as it was when it paid highly for their services. Instead of the number of remarkable statesmen who were introduced into the House of Commons by means of the close boroughs being so great as to excite our wonder, we may rather be surprised that it was not greater. The incentives to a public career were then so strong, that we may wonder that more remarkable persons did not enter upon it. The close boroughs must have been almost as much an impediment as an aid, or the number of statesmen attracted in the last century to the service of the nation must have been much larger than in fact it was.

Such was in part the case. The close boroughs did not, in truth, introduce conscientious and scrupulous men to an attractive position in public life. The position of a member nominated to the representation of a close borough by its proprietor was a position of dependence. He was an *employé*. He had to vote as often as, and just as, the owner of the borough told him. If he did not do so, he might at the next election be excluded entirely from public life, or be obliged to search through the list of the borough owners for a new patron. Even when the member for a close borough was permitted to exercise his own judgment, the public would scarcely believe that he was so. They attributed all which he did to the

influence of the proprietor of his seat; and if there chanced to be an apparent difference of opinion, they were more disposed to attribute some sinister design to the owner of the borough than any substantial independence to the member for it. The votes of a nominated member were not regarded as his own, even when in fact they were so. As we might expect, persons of high character and sensitive nature shrank from this dependence. They could not endure that it should be said that they had no control over the course which they adopted in politics; the possibility of the supposition that they must vote according to the edict of some one else was nearly as odious as the having so to vote. A curious example of this inevitable tendency in men of high and susceptible natures may be found in the life of Sir Samuel Romilly. He avowedly preferred the purchase of a seat to a position in which he might be imagined to be dependent. He preferred to be the member for a borough which was publicly known to be commonly venal, to being the member for a borough of which a nobleman or gentleman who took a genuine interest in politics was the proprietor. He preferred its being known that he had bought his seat, to the possibility of a suspicion that he held it upon a tenure of base service. In very many cases, which cannot now be known by us, an analogous feeling must have prevented shrinking and delicate men from occupying the seats

for rotten boroughs, or from associating with the great noblemen who owned them. Aristocratic patronage is never very pleasant to men of this character; and it is unendurable to them that such patronage should be the basis of their career, and an essential pre-requisite to habitual life. Exceptional instances apart, the close boroughs were rather an obstruction than an opening to persons of original minds and delicate dispositions.

Nor was it natural that the owners of boroughs should commonly desire to introduce such men. If these proprietors had views of their own, they selected men who would give effect to those views; and these would ordinarily be men of pliant characters and unsuggestive intellects. If such proprietors had no opinion, they ordinarily put the seat up to auction in the market, and got as much money as they could get for it. Nor, in the few cases in which noblemen introduced men of the highest order of minds into Parliament, and in which they treated them with tenderness and delicacy, were they by any means disposed to admit them to an equality with themselves, or with the near connections of great families. They reserved high office as much as possible for themselves, and for those who mingled by right of birth in their own society; and believed that they had done much in giving the opportunity of a public career and the profit of a minor place to able men of humbler station whom they had brought into the House of Commons.

The Rockingham party, the best party that ever was composed of the associated proprietors of close boroughs, thus treated Mr. Burke, who was the greatest man who ever sat for a close borough. We cannot but be indignant at such conduct; we cannot help saying that it showed high-bred exclusiveness, and aristocratic narrowness of mind: but we also cannot help perceiving that it was natural. The same thing would be sure to happen again in any similar circumstances. The owners of seats inevitably believed that they were theirs; that they, and that men of their family and their station, had an evident right to enjoy whatever was most desirable in the consequences of them. They believed that they had a right to their own, and to all it produced. Historians may lament that Lord John Cavendish was preferred to Mr. Burke; but if the old system of representation were once more reëstablished, a similar phenomenon would happen again: the near connections of the large proprietors of parliamentary property would again be preferred by those proprietors to all others. The universal tendencies of human nature ensure that it should be so.

On the other hand, although the close boroughs did not aid men of able minds and sensitive natures in the entrance to public life, they did aid men of able minds and coarse natures. The latter were willing to be dependents, and were able to be serviceable dependents; they were inclined to be slaves, and were able to be

useful slaves. The pecuniary profits derivable from a public career, the places and pensions open to and readily obtainable by an able public man, brought a large number of such men into Parliament. We need not cite many instances, for the fact is evident. The entire history of the last century is full of such men—as Mr. Rigby, as the first Lord Holland, as Budd Doddington. The suspicion of dependence, and the reality of aristocratic patronage, were easily endured by men of covetous dispositions and vulgar characters: they only desired to have as much as possible of whatever profits were obtainable, and whatsoever the path to great profits might be, that was the road for them. And independently of these extreme cases, the close boroughs tended to fill the House of Commons with men of commonplace opinions and yielding characters, who accepted the creed of their patrons very easily, and without, in all ordinary cases, any conscious suppression of their own. Their preferences were so languid, that they were not conscious of relinquishing them. The facile flexibility of decorous mediocrity is one of the most obvious facts of human nature; and it is one of the most valuable facts, for without it the requisite union of great political parties would scarcely be attainable.

Such and so great seem to us the deductions which are to be made from the common belief that the close boroughs tended to open the House of Commons to men



of original minds and refined dispositions. They are so great, as to make it dubious whether that observation has even a nucleus of truth ; they indisputably show that in its ordinary form it is an extreme exaggeration ; and they suggest a doubt whether as much or more may not be said for the very opposite of it.

We have now, therefore, completed our long investigation. We have inquired whether our old system of parliamentary representation did or did not give us a Parliament substantially accordant with the true public opinion of the English nation ; whether it gave, to all classes who had political ideas to express, the means of expressing them ; whether it had any peculiar tendency to produce great and original statesmen. What, then, are the results which we have learned from this investigation ? What are the lessons which this remarkable history, when it is examined, tends to teach us ?

First, we should learn from it to distrust complicated expedients for making strong administrations, and refined expedients for producing wise and able statesmen. The sole security upon which we can depend for a strong government is a consistent union in the nation. If we have that, we shall have a strong government under any tolerable parliamentary system ; and if we have not that, we shall not have under any a really strong government on ordinary occasions. The true security for having a sufficient supply of good statesmen is to main-

tain a sufficient supply of good constituencies. We need not regret the rotten boroughs, if we have instead of them an adequate number of tolerably educated and not too numerous constituencies, in which the great majority of the voters are reasonably independent and tolerably incorrupt. There is nothing in either of these two respects very valuable in our old system of representation. It did not secure to us an unusual number of coherent and powerful administrations; it did not of itself give us an exceptionally great number of able and honest statesmen.

Secondly, we should learn from the history of the last century that it is perfectly idle to attempt to give political power to persons who have no political capacity, who are not intellectual enough to form opinions, or who are not high-minded enough to act on those opinions. This proposition is admitted in words; everybody says it is a truism. But is it admitted in reality? Do not all the ordinary plans for a uniform extension of the suffrage practically deny it? Will not their inevitable effect be, in the smaller and poorer boroughs at least, to throw, or to attempt to throw, much power into the hands of the voters who are sure to be ignorant, and who are almost sure to be corrupt?

Lastly, the events of the earlier part of the last century show us—demonstrate, we may say, to us—the necessity of retaining a very great share of power in the

hands of the wealthier and more instructed classes—of the real rulers of public opinion. We have seen that we owe the security of our present constitutional freedom to the possession by these classes of that power: we have learned that under a more democratic system the House of Stuart might have been still upon the throne; that the will of the numerical majority in the nation would probably have placed it there, and would probably have kept it there; that the close boroughs of former times gave, in an indirect form and in an objectionable manner, the requisite influence to the instructed classes; and we must infer, therefore, that we should be very cautious how we now proceed to found a new system, without any equivalent provision, and with no counterbalancing weight, to the scanty intelligence of very ordinary persons and to the unbridled passions of the multitude.

If we duly estimate the significance of these conclusions, we shall perhaps think that to have been once more reminded of them, at a critical instant, is a result of sufficient significance to justify this protracted investigation, and an adequate apology for the detail which has been necessary to render it intelligible.

# THE REFORM ACT OF 1867;

AND THE

## FUNCTION OF THE HOUSE OF PEERS.

(1872.)

It is too soon as yet to attempt to estimate the effect of the Reform Act of 1867. The people enfranchised under it do not yet know their own power; a single election, so far from teaching us how they will use that power, has not been even enough to explain to them that they have such power. The Reform Act of 1832 did not for many years disclose its real consequences; a writer in 1836, whether he approved or disapproved of them, whether he thought too little of or whether he exaggerated them, would have been sure to be mistaken in them. A new Constitution does not produce its full effect as long as all its subjects were reared under an old Constitution, as long as its statesmen were trained by that old Constitution. It is not really tested till it comes to be worked by statesmen and among a people neither of whom are guided by a different experience.

In one respect we are indeed particularly likely to be

mistaken as to the effect of the last Reform Bill. Undeniably there has lately been a great change in our politics. It is commonly said that 'there is not a brick of the Palmerston House standing.' The change since 1865 is a change not in one point but in a thousand points; it is a change not of particular details but of pervading spirit. We are now quarrelling as to the minor details of an Education Act; in Lord Palmerston's time no such Act could have passed. In Lord Palmerston's time Sir George Grey said that the disestablishment of the Irish Church would be an 'act of Revolution;' it has now been disestablished by great majorities, with Sir George Grey himself assenting. A new world has arisen which is not as the old world; and we naturally ascribe the change to the Reform Act. But this is a complete mistake. If there had been no Reform Act at all there would, nevertheless, have been a great change in English politics. There has been a change of the sort which, above all, generates other changes—a change of generation. Generally one generation in politics succeeds another almost silently; at every moment men of all ages between thirty and seventy have considerable influence; each year removes many old men, makes all others older, brings in many new. The transition is so gradual that we hardly perceive it. The board of directors of the political company has a few slight changes every year, and therefore the shareholders are

conscious of no abrupt change. But sometimes there is an abrupt change. It occasionally happens that several ruling directors who are about the same age live on for many years, manage the company all through those years, and then go off the scene almost together. In that case the affairs of the company are apt to alter much, for good or for evil; sometimes it becomes more successful, sometimes it is ruined, but it hardly ever stays as it was. Something like this happened before 1865. All through the period between 1832 and 1865, the pre-'32 statesmen—if I may so call them—Lord Derby, Lord Russell, Lord Palmerston, retained great power. Lord Palmerston to the last retained great prohibitive power. Though in some ways always young, he had not a particle of sympathy with the younger generation; he brought forward no young men; he obstructed all that young men wished. In consequence, at his death a new generation all at once started in life; the pre-'32 all at once died out. Most of the new politicians were men who might well have been Lord Palmerston's grandchildren. He came into Parliament in 1806, they entered it after 1856. Such an enormous change in the age of the workers necessarily caused a great change in the kind of work attempted and the way in which it was done. What we call the 'spirit' of politics is more surely changed by a change of generation in the men than by any other change

whatever. Even if there had been no Reform Act, this single cause would have effected grave alterations.

The mere settlement of the Reform question made a great change too. If it could have been settled by any other change, or even within any change, the instant effect of the settlement would still have been immense. New questions would have appeared at once. A political country is like an American forest: you have only to cut down the old trees, and immediately new trees come up to replace them; the seeds were waiting in the ground, and they began to grow as soon as the withdrawal of the old ones brought in light and air. These new questions of themselves would have made a new atmosphere, new parties, new debates.

Of course I am not arguing that so important an innovation as the Reform Act of 1867 will not have very great effects. It must, in all likelihood, have many great ones. I am only saying that as yet we do not know what those effects are; that the great evident change since 1865 is certainly not strictly due to it; probably is not even in a principal measure due to it; that we have still to conjecture what it will cause and what it will not cause.

The principal question arises most naturally from a doctrine on which I have insisted in my book on the English Constitution. I have said that cabinet government is possible in England because England was a

deferential country. I meant that the nominal constituency was not the real constituency; that the mass of the 'ten-pound' householders did not really form their own opinions, and did not exact of their representatives an obedience to those opinions; that they were in fact guided in their judgment by the better educated classes; that they preferred representatives from those classes, and gave those representatives much license. If a hundred small shopkeepers had by miracle been added to any of the '32 Parliaments, they would have felt outcasts there. Nothing could be more unlike those Parliaments than the average mass of the constituency from which they were chosen.

I do not of course mean that the ten-pound householders were great admirers of intellect or good judges of refinement. We all know that, for the most part, they were not so at all: very few Englishmen are. They were not influenced by ideas, but by facts; not by things impalpable, but by things palpable. Not to put too fine a point upon it, they were influenced by rank and wealth. No doubt the better sort of them believed that those who were superior to them in these indisputable respects were superior also in the more intangible qualities of sense and knowledge. But the mass of the old electors did not analyse very much: they liked to have one of the 'betters' to represent them; if he was rich they respected him much; and if he was a lord, they



liked him the better. The issue put before these electors was which of two rich people will you choose? And each of those rich people was put forward by great parties whose notions were the notions of the rich—whose plans were their plans. The electors only selected one or two wealthy men to carry out the schemes of one or two wealthy associations.

So fully was this so, that the class to whom the great body of the ten-pound householders belonged—the lower middle class—was above all classes the one most hardly treated in the imposition of the taxes. A small shop-keeper, or a clerk who just, and only just, was rich enough to pay income tax, was perhaps the only severely taxed man in the country. He paid the rates, the tea, sugar, tobacco, malt, and spirit taxes, as well as the income tax, but his means were exceedingly small. Curiously enough the class which in theory was omnipotent, was the only class financially ill-treated. Throughout the history of our former Parliaments the constituency could no more have originated the policy which those Parliaments selected than they could have made the solar system.

As I have endeavoured to show in the volume above mentioned, the deference of the old electors to their betters was the only way in which our old system could be maintained. No doubt countries can be imagined in which the mass of the electors would be thoroughly competent to form good opinions; approximations to that state happily

exist. But such was not the state of the minor English shopkeepers. They were just competent to make a selection between two sets of superior ideas; or rather—for the conceptions of such people are more personal than abstract—between two opposing parties, each professing a creed of such ideas. But they could do no more. Their own notions, if they had been cross-examined upon them, would have been found always most confused and often most foolish. They were competent to decide an issue selected by the higher classes, but they were incompetent to do more.

The grave question now is, How far will this peculiar old system continue and how far will it be altered? I am afraid I must put aside at once the idea that it will be altered entirely and altered for the better. I cannot expect that the new class of voters will be at all more able to form sound opinions on complex questions than the old voters. There was indeed an idea—a very prevalent idea when the first edition of that book was published—that there then was an unrepresented class of skilled artizans who could form superior opinions on national matters, and ought to have the means of expressing them. We used to frame elaborate schemes to give them such means. But the Reform Act of 1867 did not stop at skilled labour; it enfranchised unskilled labour too. And no one will contend that the ordinary working man who has no special skill, and who is only

rated because he has a house, can judge much of intellectual matters. The messenger in an office is not more intelligent than the clerks, not better educated, but, worse ; and yet the messenger is probably a very superior specimen of the newly enfranchised classes. The average can only earn very scanty wages by coarse labour. They have no time to improve themselves, for they are labouring the whole day through ; and their early education was so small that in most cases it is dubious whether even if they had much time, they could use it to good purpose. We have not enfranchised a class less needing to be guided by their betters than the old class ; on the contrary, the new class need it more than the old. The real question is, Will they submit to it, will they defer in the same way to wealth and rank, and to the higher qualities of which these are the rough symbols and the common accompaniments ?

There is a peculiar difficulty in answering this question. Generally, the debates upon the passing of an Act contain much valuable instruction as to what may be expected of it. But the debates on the Reform Act of 1867 hardly tell anything. They are taken up with technicalities as to the ratepayers and the compound householder. Nobody in the country knew what was being done. I happened at the time to visit a purely agricultural and Conservative county, and I asked the local Tories, ' Do you understand this Reform Bill ? Do you

know that your Conservative Government has brought in a Bill far more Radical than any former Bill, and that it is very likely to be passed?' The answer I got was, 'What stuff you talk! How can it be a Radical Reform Bill? Why, *Bright* opposes it!' There was no answering that in a way which a 'common jury' could understand. The Bill was supported by the *Times* and opposed by Mr. Bright; and therefore the mass of the Conservatives and of common moderate people, without distinction of party, had no conception of the effect. They said it was 'London nonsense' if you tried to explain it to them. The nation indeed generally looks to the discussions in Parliament to enlighten it as to the effect of Bills. But in this case neither party, as a party, could speak out. Many, perhaps most of the intelligent Conservatives, were fearful of the consequences of the proposal; but as it was made by the heads of their own party, they did not like to oppose it, and the discipline of party carried them with it. On the other side, many, probably most of the intelligent Liberals, were in consternation at the Bill; they had been in the habit for years of proposing Reform Bills; they knew the points of difference between each Bill, and perceived that this was by far the most sweeping which had ever been proposed by any Ministry. But they were almost all unwilling to say so. They would have offended a large section in their constituencies if they had resisted a Tory Bill

because it was too democratic; the extreme partizans of democracy would have said, 'The enemies of the people have confidence enough in the people to entrust them with this power, but you, a "Liberal," and a professed friend of the people, have not that confidence; if that is so, we will never vote for you again.' Many Radical members who had been asking for years for household suffrage were much more surprised than pleased at the near chance of obtaining it; they had asked for it as bargainers ask for the highest possible price, but they never expected to get it. Altogether the Liberals, or at least the extreme Liberals, were much like a man who has been pushing hard against an opposing door, till, on a sudden, the door opens, the resistance ceases, and he is thrown violently forward. Persons in such an unpleasant predicament can scarcely criticise effectually, and certainly the Liberals did not so criticise. We have had no such previous discussions as should guide our expectations from the Reform Bill, nor such as under ordinary circumstances we should have had.

Nor does the experience of the last election much help us. The circumstances were too exceptional. In the first place, Mr. Gladstone's personal popularity was such as has not been seen since the time of Mr. Pitt, and such as may never be seen again. Certainly it will very rarely be seen. A bad speaker is said to have been asked how he got on as a candidate. 'Oh,' he answered, 'when I

do not know what to say, I say "Gladstone," and then they are sure to cheer, and I have time to think.' In fact, that popularity acted as a guide both to constituencies and to members. The candidates only said they would vote with Mr. Gladstone, and the constituencies only chose those who said so. Even the minority could only be described as anti-Gladstone, just as the majority could only be described as pro-Gladstone. The remains, too, of the old electoral organisation were exceedingly powerful; the old voters voted as they had been told, and the new voters mostly voted with them. In extremely few cases was there any new and contrary organisation. At the last election, the trial of the new system hardly began, and, as far as it did begin, it was favoured by a peculiar guidance.

In the mean time our statesmen have the greatest opportunities they have had for many years, and likewise the greatest duty. They have to guide the new voters in the exercise of the franchise; to guide them quietly, and without saying what they are doing, but still to guide them. The leading statesmen in a free country have great momentary power. They settle the conversation of mankind. It is they who, by a great speech or two, determine what shall be said and what shall be written for long after. They, in conjunction with their counsellors, settle the programme of their party—the 'platform,' as the Americans call it, on which they and those

associated with them are to take their stand for the political campaign. It is by that programme, by a comparison of the programmes of different statesmen, that the world forms its judgment. The common ordinary mind is quite unfit to fix for itself what political question it shall attend to; it is as much as it can do to judge decently of the questions which drift down to it, and are brought before it; it almost never settles its topics; it can only decide upon the issues of those topics. And in settling what these questions shall be, statesmen have now especially a great responsibility if they raise questions which will excite the lower orders of mankind; if they raise questions on which those orders are likely to be wrong; if they raise questions on which the interest of those orders is not identical with, or is antagonistic to, the whole interest of the State, they will have done the greatest harm they can do. The future of this country depends on the happy working of a delicate experiment, and they will have done all they could to vitiate that experiment. Just when it is desirable that ignorant men, new to politics, should have good issues, and only good issues, put before them, these statesmen will have suggested bad issues. They will have suggested topics which will bind the poor as a class together; topics which will excite them against the rich; topics the discussion of which in the only form in which that discussion reaches their ear will be to make them think that

some new law can make them comfortable—that it is the present law which makes them uncomfortable—that Government has at its disposal an inexhaustible fund out of which it can give to those who now want without also creating elsewhere other and greater wants. If the first work of the poor voters is to try to create a ‘poor man’s paradise,’ as poor men are apt to fancy that Paradise, and as they are apt to think they can create it, the great political trial now beginning will simply fail. The wide gift of the elective franchise will be a great calamity to the whole nation, and to those who gain it as great a calamity as to any.

I do not of course mean that statesmen can choose with absolute freedom what topics they will deal with and what they will not. I am of course aware that they choose under stringent conditions. In excited states of the public mind they have scarcely a discretion at all; the tendency of the public perturbation determines what shall and what shall not be dealt with. But, upon the other hand, in quiet times statesmen have great power; when there is no fire lighted, they can settle what fire shall be lit. And as the new suffrage is happily to be tried in a quiet time, the responsibility of our statesmen is great because their power is great too.

And the mode in which the questions dealt with are discussed is almost as important as the selection of these questions. It is for our principal statesmen to lead the



public, and not to let the public lead them. No doubt when statesmen live by public favour, as ours do, this is a hard saying, and it requires to be carefully limited. I do not mean that our statesmen should assume a pedantic and *doctrinaire* tone with the English people; if there is anything which English people thoroughly detest, it is that tone exactly. And they are right in detesting it; if a man cannot give guidance and communicate instruction formally without telling his audience 'I am better than you; I have studied this as you have not,' then he is not fit for a guide or an instructor. A statesman who should show that *gaucherie* would exhibit a defect of imagination, and expose an incapacity for dealing with men which would be a great hindrance to him in his calling. But much argument is not required to guide the public, still less a formal exposition of that argument. What is mostly needed is the manly utterance of clear conclusions; if a statesman gives these in a felicitous way (and if with a few light and humorous illustrations, so much the better), he has done his part. He will have given the text, the scribes in the newspapers will write the sermon. A statesman ought to show his own nature, and talk in a palpable way what is to him important truth. And so he will both guide and benefit the nation. But if, especially at a time when great ignorance has an unusual power in public affairs, he chooses to accept and reiterate the decisions of that ignorance, he

is only the hireling of the nation, and does little save hurt it.

I shall be told that this is very obvious, and that everybody knows that 2 and 2 make 4, and that there is no use in inculcating it. But I answer that the lesson is not observed in fact; people do not so do their political sums. Of all our political dangers, the greatest I conceive is that they will neglect the lesson. In plain English, what I fear is that both our political parties will bid for the support of the working man; that both of them will promise to do as he likes if he will only tell them what it is; that, as he now holds the casting vote in our affairs, both parties will beg and pray him to give that vote to them. I can conceive of nothing more corrupting or worse for a set of poor ignorant people than that two combinations of well-taught and rich men should constantly offer to defer to their decision, and compete for the office of executing it. *Vox populi* will be *Vox diaboli* if it is worked in that manner.

And, on the other hand, my imagination conjures up a contrary danger. I can conceive that questions *being* raised which, if continually agitated, would combine the working men as a class together, the higher orders might have to consider whether they would concede the measure that would settle such questions, or whether they would risk the effect of the working men's combination.

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the abstract; much must depend on the nature of the measures in each particular case; on the evil they would cause if conceded; on the attractiveness of their idea to the working classes if refused. But in all cases it must be remembered that a political combination of the lower classes, as such and for their own objects, is an evil of the first magnitude; that a permanent combination of them would make them (now that so many of them have the suffrage) supreme in the country; and that their supremacy, in the state they now are, means the supremacy of ignorance over instruction and of numbers over knowledge. So long as they are not taught to act together, there is a chance of this being averted, and it can only be averted by the greatest wisdom and the greatest foresight in the higher classes. They must avoid, not only every evil, but every appearance of evil; while they have still the power they must remove, not only every actual grievance, but, where it is possible, every seeming grievance too; they must willingly concede every claim which they can safely concede, in order that they may not have to concede unwillingly some claim which would impair the safety of the country.

This advice, too, will be said to be obvious; but I have the greatest fear that, when the time comes, it will be cast aside as timid and cowardly. So strong are the combative propensities of man that he would rather fight a losing battle than not fight at all. It is most difficult

to persuade people that by fighting they may strengthen the enemy, yet that would be so here; since a losing battle—especially a long and well-fought one—would have thoroughly taught the lower orders to combine, and would have left the higher orders face to face with an irritated, organized, and superior voting power. The courage which strengthens an enemy and which so loses, not only the present battle, but many after battles, is a heavy curse to men and nations.

In one minor respect, indeed, I think we may see with distinctness the effect of the Reform Bill of 1867. I think it has completed one change which the Act of 1832 began; it has completed the change which that Act made in the relation of the House of Lords to the House of Commons. The literary theory of the English Constitution is on this point quite wrong as usual. According to that theory, the two Houses are two branches of the Legislature, perfectly equal and perfectly distinct. But before the Act of 1832 they were not so distinct; there was a very large and a very strong common element. By their commanding influence in many boroughs and counties the Lords nominated a considerable part of the Commons; the majority of the other part were the richer gentry—men in most respects like the Lords, and sympathising with the Lords. Under the Constitution as it then was the two Houses were not in their essence distinct; they were in their essence similar; they were,

in the main, not Houses of contrasted origin, but Houses of like origin. The predominant part of both was taken from the same class—from the English gentry, titled and untitled. By the Act of 1832 this was much altered. The aristocracy and the gentry lost their predominance in the House of Commons; that predominance passed to the middle class. The two Houses then became distinct, but then they ceased to be co-equal. The Duke of Wellington, in a most remarkable paper, has explained what pains he took to induce the Lords to submit to their new position, and to submit, time after time, their will to the will of the Commons.

The Reform Act of 1867 has, I think, unmistakably completed the effect which the Act of 1832 began, but left unfinished. The middle class element has gained greatly by the second change, and the aristocratic element has lost greatly. If you examine carefully the lists of members, especially of the most prominent members, of either side of the House, you will not find that they are in general aristocratic names. Considering the power and position of the titled aristocracy, you will perhaps be astonished at the small degree in which it contributes to the active part of our governing assembly. The spirit of our present House of Commons is plutocratic, not aristocratic; its most prominent statesmen are not men of ancient descent or of great hereditary estate; they are men mostly of substantial means, but they are mostly,

too, connected more or less closely with the new trading wealth. The spirit of the two Assemblies has become far more contrasted than it ever was.

The full effect of the Reform Act of 1832 was indeed postponed by the cause which I mentioned just now. The statesmen who worked the system which was put up had themselves been educated under the system which was pulled down. Strangely enough, their predominant guidance lasted as long as the system which they created. Lord Palmerston, Lord Russell, Lord Derby, died or else lost their influence within a year or two of 1867. The complete consequences of the Act of 1832 upon the House of Lords could not be seen while the Commons were subject to such aristocratic guidance. Much of the change which might have been expected from the Act of 1832 was held in suspense, and did not begin till that measure had been followed by another of similar and greater power.

The work which the Duke of Wellington in part performed has now, therefore, to be completed also. He met the half difficulty; we have to surmount the whole one. We have to frame such tacit rules, to establish such ruling but unenacted customs, as will make the House of Lords yield to the Commons when and as often as our new Constitution requires that it should yield. I shall be asked, How often is that, and what is the test by which you know it?



I answer that the House of Lords must yield whenever the opinion of the Commons is also the opinion of the nation, and when it is clear that the nation has made up its mind. Whether or not the nation has made up its mind is a question to be decided by all the circumstances of the case, and in the common way in which all practical questions are decided. There are some people who lay down a sort of mechanical test; they say the House of Lords should be at liberty to reject a measure passed by the Commons once or more, and then if the Commons send it up again and again, infer that the nation is determined. But no important practical question in real life can be uniformly settled by a fixed and formal rule in this way. This rule would prove that the Lords might have rejected the Reform Act of 1832. Whenever the nation was both excited and determined, such a rule would be an acute and dangerous political poison. It would teach the House of Lords that it might shut its eyes to all the facts of real life and decide simply by an abstract formula. If in 1832 the Lords had so acted, there would have been a revolution. Undoubtedly there is a general truth in the rule. Whether a Bill has come up once only, or whether it has come up several times, is one important fact in judging whether the nation is determined to have that measure enacted; it is an indication, but it is only one of the indications. There are others equally decisive. The unanimous voice of the

people may be so strong, and may be conveyed through so many organs, that it may be assumed to be lasting.

Englishmen are so very miscellaneous, that that which has *really* convinced a great and varied majority of them for the present may fairly be assumed to be likely to continue permanently to convince them. One sort might easily fall into a temporary and erroneous fanaticism, but all sorts simultaneously are very unlikely to do so.

I should venture so far as to lay down for an approximate rule, that the House of Lords ought, on a first-class subject, to be slow—very slow—in rejecting a Bill passed even once by a large majority of the House of Commons. I would not of course lay this down as an unvarying rule; as I have said, I have for practical purposes no belief in unvarying rules. Majorities may be either genuine or fictitious, and if they are not genuine, if they do not embody the opinion of the representative as well as the opinion of the constituency, no one would wish to have any attention paid to them. But if the opinion of the nation be strong and be universal, if it be really believed by members of Parliament, as well as by those who send them to Parliament, in my judgment the Lords should yield at once, and should not resist it.

My main reason is one which has not been much urged. As a theoretical writer I can venture to say, what no elected member of Parliament, Conservative or Liberal, can venture to say, that I am exceedingly afraid

of the ignorant multitude of the new constituencies. I wish to have as great and as compact a power as possible to resist it. But a dissension between the Lords and Commons divides that resisting power; as I have explained, the House of Commons still mainly represents the plutocracy, the Lords represent the aristocracy. The main interest of both these classes is now identical, which is to prevent or to mitigate the rule of uneducated numbers. But to prevent it effectually, they must not quarrel among themselves; they must not bid one against the other for the aid of their common opponent. And this is precisely the effect of a division between Lords and Commons. The two great bodies of the educated rich go to the constituencies to decide between them, and the majority of the constituencies now consist of the uneducated poor. This cannot be for the advantage of any one.

In doing so besides the aristocracy forfeit their natural position—that by which they would gain most power, and in which they would do most good. They ought to be the heads of the plutocracy. In all countries new wealth is ready to worship old wealth, if old wealth will only let it, and I need not say that in England new wealth is eager in its worship. Satirist after satirist has told us how quick, how willing, how anxious are the newly-made rich to associate with the ancient rich. Rank probably in no country whatever has so much

'market' value as it has in England just now. Of course there have been many countries in which certain old families, whether rich or poor, were worshipped by whole populations with a more intense and poetic homage; but I doubt if there has ever been any in which all old families and all titled families received more ready observance from those who were their equals, perhaps their superiors, in wealth, their equals in culture, and their inferiors only in descent and rank. The possessors of the 'material' distinctions of life, as a political economist would class them, rush to worship those who possess the *immaterial* distinctions. Nothing can be more politically useful than such homage, if it be skilfully used; no folly can be idler than to repel and reject it.

The worship is the more politically important because it is the worship of the political superior for the political inferior. At an election the non-titled are much more powerful than the titled. Certain individual peers have, from their great possessions, great electioneering influence, but, as a whole, the House of Peers is not a principal electioneering force. It has so many poor men inside it, and so many rich men outside it, that its electioneering value is impaired. Besides, it is in the nature of the curious influence of rank to work much more on men singly than on men collectively; it is an influence which most men—at least most Englishmen—

feel very much, but of which most Englishmen are somewhat ashamed. Accordingly, when any number of men are collected together, each of whom worships rank in his heart, the whole body will patiently hear—in many cases will cheer and approve—some rather strong speeches against rank. Each man is a little afraid that his ‘sneaking kindness for a lord,’ as Mr. Gladstone put it, be found out; he is not sure how far that weakness is shared by those around him. And thus Englishmen easily find themselves committed to anti-aristocratic sentiments which are the direct opposite of their real feeling, and their collective action may be bitterly hostile to rank while the secret sentiment of each separately is especially favourable to rank. In 1832 the close boroughs, which were largely held by peers, and were still more largely supposed to be held by them, were swept away with a tumult of delight; and in another similar time of great excitement, the Lords themselves, if they deserve it, might pass away. The democratic passions gain by fomenting a diffused excitement, and by massing men in concourses; the aristocratic sentiments gain by calm and quiet, and act most on men by themselves, in their families, and when female influence is not absent. The overt electioneering power of the Lords does not at all equal its real social power. The English plutocracy, as is often said of something yet coarser, must be ‘humoured, not drove;’ they may

easily be impelled against the aristocracy, though they respect it very much; and as they are much stronger than the aristocracy, they might, if angered, even destroy it; though in order to destroy it, they must help to arouse a wild excitement among the ignorant poor, which, if once roused, may not be easily calmed, and which may be fatal to far more than its beginners intend.

This is the explanation of the anomaly which puzzles many clever lords. They think, if they do not say, 'Why are we pinned up here? Why are we not in the Commons where we could have so much more power? Why is this nominal rank given us, at the price of substantial influence? If we prefer real weight to unreal prestige, why may we not have it?' The reply is, that the whole body of the Lords have an incalculably greater influence over society while there is still a House of Lords, than they would have if the House of Lords were abolished; and that though one or two clever young peers might do better in the Commons, the old order of peers, young and old, clever and not clever, is much better where it is. The selfish instinct of the mass of peers on this point is a keener and more exact judge of the real world than the fine intelligence of one or two of them.

If the House of Peers ever goes, it will go in a storm, and the storm will not leave all else as it is. It will not destroy the House of Peers and leave the rich young peers, with their wealth and their titles, to sit in the

Commons. It would probably sweep all titles before it—at least all legal titles—and somehow or other it would break up the curious system by which the estates of great families all go to the eldest son. That system is a very artificial one; you may make a fine argument for it, but you cannot make a loud argument, an argument which would reach and rule the multitude. The thing looks like injustice, and in a time of popular passion it would not stand. Much short of the compulsory equal division of the Code Napoleon, stringent clauses might be provided to obstruct and prevent these great aggregations of property. Few things certainly are less likely than a violent tempest like this to destroy large and hereditary estates. But then, too, few things are less likely than an outbreak to destroy the House of Lords—my point is, that a catastrophe which levels one will not spare the other.

I conceive, therefore, that the great power of the House of Lords should be exercised very timidly and very cautiously. For the sake of keeping the headship of the plutocracy, and through that of the nation, they should not offend the plutocracy; the points upon which they have to yield are mostly very minor ones, and they should yield many great points rather than risk the bottom of their power. They should give large donations out of income, if by so doing they keep, as they would keep, their capital intact. The Duke of Wellington

guided the House of Lords in this manner for years, and nothing could prosper better for them or for the country, and the Lords have only to go back to the good path in which he directed them.

The events of 1870 caused much discussion upon life peerages, and we have gained this great step, that whereas the former leader of the Tory party in the Lords—Lord Lyndhurst—defeated the last proposal to make life peers, Lord Derby, when leader of that party, desired to create them. As I have given in my book on the English Constitution what seemed to me good reasons for making them, I need not repeat those reasons here; I need only say how the notion stands in my judgment now.

I cannot look on life peerages in the way in which some of their strongest advocates regard them; I cannot think of them as a mode in which a permanent opposition or a contrast between the Houses of Lords and Commons is to be remedied. To be effectual in that way, life peerages must be very numerous. Now the House of Lords will never consent to a very numerous life peerage without a storm; they must be in terror to do it, or they will not do it. And if the storm blows strongly enough to do so much, in all likelihood it will blow strongly enough to do much more. If the revolution is powerful enough and eager enough to make an immense number of life peers, probably it will sweep away the hereditary principle in the Upper Chamber entirely. Of course one



might say, 'We had rather not have our peerage if we are to buy it at the price of yielding.' But a life peer who had fought his way up to the peers, would never think so. Young men who are born to rank may risk it, not middle-aged or old men who have earned their rank. A moderate number of life peers would almost always counsel moderation to the Lords, and would almost always be right in counselling it.

Recent discussions have also brought into curious prominence another part of the Constitution. It would very much surprise people if they were only told how many things the Queen could do without consulting Parliament, and it certainly has so proved, for when the Queen abolished Purchase in the Army by an act of prerogative (after the Lords had rejected the bill for doing so), there was a great and general astonishment.

But this is nothing to what the Queen can by law do without consulting Parliament. Not to mention other things, she could disband the army (by law she cannot engage more than a certain number of men, but she is not obliged to engage any men); she could dismiss all the officers, from the General Commanding-in-Chief downwards; she could dismiss all the sailors too; she could sell off all our ships of war and all our naval stores; she could make a peace by the sacrifice of Cornwall, and begin a war for the conquest of Brittany. She

could make every citizen in the United Kingdom, male or female, a peer; she could make every parish in the United Kingdom a 'university;' she could dismiss most of the civil servants; she could pardon all offenders. In a word, the Queen could by prerogative upset all the action of civil government within the government, could disgrace the nation by a bad war or peace, and could, by disbanding our forces, whether land or sea, leave us defenceless against foreign nations. Why do we not fear that she would do this, or any approach to it?

Because there are two checks—one ancient and coarse, the other modern and delicate. The first is the check of impeachment. Any Minister who advised the Queen so to use her prerogative as to endanger the safety of the realm, might be impeached for high treason, and would be so. Such a minister would, in our technical law, be said to have levied, or aided to levy, 'war against the Queen.' This counsel to her so to use her prerogative would by the Judge be declared to be an act of violence against herself, and in that peculiar but effectual way the offender could be condemned and executed. Against all gross excesses of the prerogative this is a sufficient protection. But it would be no protection against minor mistakes; any error of judgment committed *bonâ fide*, and only entailing consequences which one person might say were good, and another say were bad, could not be so punished. It would be possible to impeach any

may fancy it to be otherwise; we may conceive of a political storm just going to a life peerage limit, and then stopping suddenly. But in politics we must not trouble ourselves with exceedingly exceptional accidents; it is quite difficult enough to count on and provide for the regular and plain probabilities. To speak mathematically, we may easily miss the permanent course of the political curve if we engross our minds with its cusps and conjugate points.

Nor, on the other hand, can I sympathise with the objection to life peerages which some of the Radical party take and feel. They think it will strengthen the Lords, and so make them better able to oppose the Commons; they think, if they do not say: 'The House of Lords is our enemy and that of all Liberals; happily the mass of it is not intellectual; a few clever men are born there which we cannot help, but we will not "vaccinate" it with genius; we will not put in a set of clever men for their lives who may as likely as not turn against us.' This objection assumes that clever peers are just as likely to oppose the Commons as stupid peers. But this I deny. Most clever men who are in such a good place as the House of Lords plainly is, will be very unwilling to lose it if they can help it; at the clear call of a great duty they might lose it, but only at such a call. And it does not take a clever man to see that systematic opposition of the Commons is the only thing which can endanger

the Lords, or which will make an individual peer cease to be a peer. The greater you make the *sense* of the Lords, the more they will see that their plain interest is to make friends of the plutocracy, and to be the chiefs of it, and not to wish to oppose the Commons where that plutocracy rules.

It is true that a completely new House of Lords, mainly composed of men of ability, selected because they were able, might very likely attempt to make ability the predominant power in the State, and to rival, if not conquer, the House of Commons, where the standard of intelligence is not much above the common English average. But in the present English world such a House of Lords would soon lose all influence. People would say, 'it was too clever by half,' and in an Englishman's mouth that means a very severe censure. The English people would think it grossly anomalous if their elected assembly of rich men were thwarted by a nominated assembly of talkers and writers. Sensible men of substantial means are what we wish to be ruled by, and a peerage of genius would not compare with it in power.

It is true, too, that at present some of the cleverest peers are not so ready as some others to agree with the Commons. But it is not unnatural that persons of high rank and of great ability should be unwilling to bend to persons of lower rank, and of certainly not greater ability. A few of such peers (for they are very few)

might say, 'We had rather not have our peerage if we are to buy it at the price of yielding.' But a life peer who had fought his way up to the peers, would never think so. Young men who are born to rank may risk it, not middle-aged or old men who have earned their rank. A moderate number of life peers would almost always counsel moderation to the Lords, and would almost always be right in counselling it.

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Minister who disbanded the Queen's army, and it would be done for certain. But suppose a Minister were to reduce the army or the navy much below the contemplated strength—suppose he were only to spend upon them one-third of the amount which Parliament had permitted him to spend—suppose a Minister of Lord Palmerston's principles were suddenly and while in office converted to the principles of Mr. Bright and Mr. Cobden, and were to act on those principles, he could not be impeached. The law of treason neither could nor ought to be enforced against an act which was an error of judgment, not of intention—which was in good faith intended not to impair the well-being of the State, but to promote and augment it. Against such misuses of the prerogative our remedy is a change of Ministry. And in general this works very well. Every Minister looks long before he incurs that penalty, and no one incurs it wantonly. But, nevertheless, there are two defects in it. The first is that it may not be a remedy at all; it may be only a punishment. A Minister may risk his dismissal; he may do some act difficult to undo, and then all which may be left will be to remove and censure him. And the second is that it is only one House of Parliament which has much to say to this remedy, such as it is; the House of Commons only can remove a Minister by a vote of censure. Most of the Ministries for thirty years have never possessed the confidence of the Lords, and in such

cases a vote of censure by the Lords could therefore have but little weight; it would be simply the particular expression of a general political disapproval. It would be like a vote of censure on a Liberal Government by the Carlton, or on a Tory Government by the Reform Club. And in no case has an adverse vote by the Lords the same decisive effect as a vote of the Commons; the Lower House is the ruling and the choosing House, and if a Government really possesses that, it thoroughly possesses nine-tenths of what it requires. The support of the Lords is an aid and a luxury; that of the Commons is a strict and indispensable necessary.

These difficulties are particularly raised by questions of foreign policy. On most domestic subjects, either custom or legislation has limited the use of the prerogative. The mode of governing the country, according to the existing laws, is mostly worn into a rut, and most Administrations move in it because it is easier to move there than anywhere else. Most political crises—the decisive votes, which determine the fate of Government—are generally either on questions of foreign policy or of new laws; and the questions of foreign policy come out generally in this way, that the Government has already done something, and that it is for the one part of the Legislature alone—for the House of Commons, and not for the House of Lords—to say whether they have or have not forfeited their place by the treaty they have made.



I think every one must admit that this is not an arrangement which seems right on the face of it. Treaties are quite as important as most laws, and to require the elaborate assent of representative assemblies to every word of the law, and not to consult them even as to the essence of the treaty, is *primâ facie* ludicrous. In the older forms of the English Constitution, this may have been quite right; the power was then really lodged in the Crown, and because Parliament met very seldom, and for other reasons, it was then necessary that, on a multitude of points, the Crown should have much more power than is amply sufficient for it at present. But now the real power is not in the Sovereign, it is in the Prime Minister and in the Cabinet—that is, in the hands of a committee appointed by Parliament, and of the chairman of that committee. Now, beforehand, no one would have ventured to suggest that a committee of Parliament on Foreign relations should be able to commit the country to the greatest international obligations without consulting either Parliament or the country. No other select committee has any comparable power; and considering how carefully we have fettered and limited the powers of all other subordinate authorities, our allowing so much discretionary power on matters peculiarly dangerous and peculiarly delicate to rest in the sole charge of one secret committee is exceedingly strange. No doubt it may be beneficial; many seeming

anomalies are so, but at first sight it does not look right.

I confess that I should see no advantage in it if our two Chambers were sufficiently homogeneous and sufficiently harmonious. On the contrary, if those two Chambers were as they ought to be, I should believe it to be a great defect. If the Administration had in both Houses a majority—not a mechanical majority ready to accept anything, but a fair and reasonable one, predisposed to think the Government right, but not ready to find it to be so in the face of facts and in opposition to whatever might occur; if a good Government were thus placed, I should think it decidedly better that the agreements of the Administration with foreign powers should be submitted to Parliament. They would then receive that which is best for all arrangements of business, an understanding and sympathising criticism, but still a criticism. The majority of the Legislature, being well disposed to the Government, would not ‘find’ against it except it had really committed some big and plain mistake. But if the Government had made such a mistake, certainly the majority of the Legislature would find against it. In a country fit for Parliamentary institutions, the partizanship of members of the Legislature never comes in manifest opposition to the plain interest of the nation; if it did, the nation being (as are all nations capable of Parliamentary institutions) con-

stantly attentive to public affairs, would inflict on them the maximum Parliamentary penalty at the next election and at many future elections. It would break their career. No English majority dare vote for an exceedingly bad treaty; it would rather desert its own leader than ensure its own ruin. And an English minority, inheriting a long experience of Parliamentary affairs, would not be exceedingly ready to reject a treaty made with a foreign Government. The leaders of an English Opposition are very conversant with the school-boy maxim, 'Two can play at that fun.' They know that the next time they are in office the same sort of sharp practice may be used against them, and therefore they will not use it. So strong is this predisposition, that not long since a subordinate member of the Opposition declared that the 'front benches' of the two sides of the House—that is, the leaders of the Government and the leaders of the Opposition—were in constant tacit league to suppress the objections of independent members. And what he said is often quite true. There are often seeming objections which are not real objections; at least, which are, in the particular cases, outweighed by counter-considerations; and these 'independent members,' having no real responsibility, not being likely to be hurt themselves if they make a mistake, are sure to blurt out, and to want to act upon. But the responsible heads of the party who may have to decide similar things, or

even the same things, themselves will not permit it. They refuse, out of interest as well as out of patriotism, to engage the country in a permanent foreign scrape, to secure for themselves and their party a momentary home advantage. Accordingly, a Government which negotiated a treaty would feel that its treaty would be subject certainly to a scrutiny, but still to a candid and lenient scrutiny; that it would go before judges, of whom the majority were favourable, and among whom the most influential part of the minority were in this case much opposed to excessive antagonism. And this seems to be the best position in which negotiators can be placed, namely, that they should be sure to have to account to considerate and fair persons, but not to have to account to inconsiderate and unfair ones.

At present the Government which negotiates a treaty can hardly be said to be accountable to any one. It is sure to be subjected to vague censure. Benjamin Franklin said, 'I have never known a peace made, even the most advantageous, that was not censured as inadequate, and the makers condemned as injudicious or corrupt. "Blessed are the peace-makers" is, I suppose, to be understood in the other world, for in this they are frequently cursed.' And this is very often the view taken now in England of treaties. There being nothing practical in the Opposition—nothing likely to hamper them hereafter—the leaders of Opposition are nearly sure to suggest every objection.

The thing is done and cannot be undone, and the most natural wish of the Opposition leaders is to prove that if they had been in office, and it therefore had been theirs to do it, they could have done it much better. On the other hand, it is quite possible that there may be no real criticism on a treaty at all; or the treaty has been made by the Government, and as it cannot be unmade by any one, the Opposition may not think it worth while to say much about it. The Government, therefore, is never certain of any criticism; on the contrary, it has a good chance of escaping criticism; but if there be any criticism the Government must expect it to be bitter, sharp, and captious—made as an irresponsible objector would make it, and not as a responsible statesman, who may have to deal with a difficulty if he make it, and therefore will be cautious how he says anything which may make it.

This is what happens in common cases; and in the uncommon—the ninety-ninth case in a hundred—in which the Opposition hoped to turn out the Government because of the alleged badness of the treaty they have made, the criticism is sure to be of the most undesirable character, and to say what is most offensive to foreign nations. All the practised acumen of anti-Government writers and speakers is sure to be engaged in proving that England has been imposed upon—that, as was said in one case, ‘The moral and the intellectual qualities have been divided; that *our* negotiation had the moral,

and the negotiation on the other side the intellectual,' and so on. The whole pitch of party malice is then expended, because there is nothing to check the party in opposition. The treaty has been made, and though it may be censured, and the party which made it ousted, yet the difficulty it was meant to cure is cured, and the opposing party, if it takes office, will not have that difficulty to deal with.

In abstract theory these defects in our present practice would seem exceedingly great, but in practice they are not so. English statesmen and English parties have really a great patriotism; they can rarely be persuaded even by their passions or their interest to do anything contrary to the real interest of England, or anything which would lower England in the eyes of foreign nations. And they would seriously hurt themselves if they did. But still these are the real tendencies of our present practice, and these are only prevented by qualities in the nation and qualities in our statesmen, which will just as much exist if we change our practice.

It certainly would be in many ways advantageous to change it. If we require that in some form the assent of Parliament shall be given to such treaties, we should have a real discussion prior to the making of such treaties. We should have the reasons for the treaty plainly stated, and also the reasons against it. At present, as we have seen, the discussion is unreal. The

thing is done and cannot be altered; and what is said often ought not to be said because it is captious, and what is not said ought as often to be said because it is material. We should have a manlier and plainer way of dealing with foreign policy, if Ministers were obliged to explain clearly their foreign contracts before they were valid, just as they have to explain their domestic proposals before they can become laws.

The objections to this are, as far as I know, three, and three only.

First, that it would not be always desirable for Ministers to state clearly the motives which induced them to agree to foreign compacts. 'Treaties,' it is said, 'are in one great respect different from laws, they concern not only the Government which binds, the nation so bound, but a third party too—a foreign country—and the feelings of that country are to be considered as well as our own. And that foreign country will, probably, in the present state of the world be a despotic one, where discussion is not practised, where it is not understood, where the expressions of different speakers are not accurately weighed, where undue offence may easily be given.' This objection might be easily avoided by requiring that the discussion upon treaties in Parliament like that discussion in the American Senate should be 'in secret session,' and that no report should be published of it. But I should, for my own part, be

rather disposed to risk a public debate. Despotie nations now cannot understand England; it is to them an anomaly 'chartered by Providence;' they have been time out of mind puzzled by its institutions, vexed at its statesmen, and angry at its newspapers. A little more of such perplexity and such vexation does not seem to me a great evil. And if it be meant, as it often is meant, that the whole truth as to treaties cannot be spoken out, I answer, that neither can the whole truth as to laws. All important laws affect large 'vested interests;' they touch great sources of political strength; and these great interests require to be treated as delicately, and with as nice a manipulation of language, as the feelings of any foreign country. A Parliamentary Minister is a man trained by elaborate practice not to blurt out crude things, and an English Parliament is an assembly which particularly dislikes anything *gauche* or anything imprudent. They would still more dislike it if it hurt themselves and the country as well as the speaker.

I am, too, disposed to deny entirely that there can be any treaty for which adequate reasons cannot be given to the English people, which the English people ought to make. A great deal of the reticence of diplomacy had, I think history shows, much better be spoken out. The worst families are those in which the members never really speak their minds to one another; they maintain an atmosphere of unreality, and every one always lives in



an atmosphere of suppressed ill-feeling. It is the same with nations. The parties concerned would almost always be better for hearing the substantial reasons which induced the negotiators to make the treaty, and the negotiators would do their work much better, for half the ambiguities in treaties are caused by the negotiators not liking the fact or not taking the pains to put their own meaning distinctly before their own minds. And they would be obliged to make it plain if they had to defend it and argue on it before a great assembly.

Secondly, it may be objected to the change suggested that Parliament is not always sitting, and that if treaties required its assent, it might have to be sometimes summoned out of season, or the treaties would have to be delayed. And this is as far as it goes a just objection, but I do not imagine that it goes far. The great bulk of treaties could wait a little without harm, and in the very few cases when urgent haste is necessary, an Autumn session of Parliament could well be justified, for the occasion must be of grave and critical importance.

Thirdly, it may be said that if we required the consent of both Houses of Parliament to foreign treaties before they were valid we should much augment the power of the House of Lords. And this is also, I think, a just objection as far as it goes. The House of Lords, as it cannot turn out the Ministry for making treaties, has in no case a decisive weight in foreign policy, though

its debates on them are often excellent; and there is a real danger at present in giving it such weight. They are not under the same guidance as the House of Commons. In the House of Commons, of necessity, the Ministry has a majority, and the majority will agree to the treaties the leaders have made if they fairly can. They will not be anxious to disagree with them. But the majority of the House of Lords may always be, and has lately been generally an opposition majority, and therefore the treaty may be submitted to critics exactly pledged to opposite views. It might be like submitting the design of an architect known to hold 'mediaeval principles' to a committee wedded to 'classical principles.'

Still, upon the whole, I think the augmentation of the power of the Peers might be risked without real fear of serious harm. Our present practice, as has been explained, only works because of the good sense of those by whom it is worked, and the new practice would have to rely on a similar good sense and practicality too. The House of Lords must deal with the assent to treaties as they do with the assent to laws; they must defer to the voice of the country and the authority of the Commons even in cases where their own judgment might guide them otherwise. In very vital treaties probably, being Englishmen, they would be of the same mind as the rest of Englishmen. If in such cases they showed a reluctance to act as the people wished, they would have the

same lesson taught them as on vital and exciting questions of domestic legislation, and the case is not so likely to happen, for on these internal and organic questions the interest and the feeling of the Peers is often presumably opposed to that of other classes—they may be anxious not to relinquish the very power which other classes are anxious to acquire; but in foreign policy there is no similar antagonism of interest—a peer and a non-peer have presumably in that matter the same interest and the same wishes.

Probably, if it were considered to be desirable to give to Parliament a more direct control over questions of foreign policy than it possesses now, the better way would be not to require a formal vote to the treaty clause by clause. This would entail too much time, and would lead to unnecessary changes in minor details. It would be enough to let the treaty be laid upon the table of both Houses, say for fourteen days, and to acquire validity unless objected to by one House or other before that interval had expired.

## II.

This is all which I think I need say on the domestic events which have changed, or suggested changes, in the English Constitution since my book on it was written. But there are also some foreign events which have illustrated it, and of these I should like to say a few words.

Naturally, the most striking of these illustrative changes comes from France. Since 1789 France has always been trying political experiments, from which others may profit much, though as yet she herself has profited little. She is now trying one singularly illustrative of the English Constitution. When the first edition of my book on the Constitution was published I had difficulty in persuading many people that it was possible in a non-monarchical State, for the real chief of the Executive—the Premier as we should call him—to be nominated and to be removable by the vote of the National Assembly. The United States and its copies were the only present and familiar Republics, and in these the system was exactly opposite. The Executive was there appointed by the people as the Legislative was too. No conspicuous example of any other sort of Republic then existed. But now France has given an example—M. Thiers is (with one exception) just the *chef du pouvoir exécutif* that I endeavoured more than once in that book to describe. He is appointed by and is removable by the Assembly. He comes down and speaks in it just as our Premier does; he is responsible for managing it just as our Premier is. No one can any longer doubt the possibility of a republic in which the Executive and the Legislative authorities were united and fixed; no one can assert such union to be the incommunicable attribute of a Constitutional Monarchy.

But, unfortunately, we can as yet only infer from this experiment that such a Constitution is possible; we cannot as yet say whether it will be bad or good. The circumstances are very peculiar, and that in three ways. First, the trial of a specially Parliamentary Republic, of a Republic where Parliament appoints the Minister, is made in a nation which has, to say the least of it, no peculiar aptitude for Parliamentary Government; which has possibly a peculiar inaptitude for it. In the last chapter but one of my book on the Constitution I have tried to describe one of the mental conditions of Parliamentary Government, which I call 'rationality,' by which I do not mean reasoning power, but rather the power of hearing the reasons of others, of comparing them quietly with one's own reasons, and then being guided by the result. But a French Assembly is not easy to reason with. Every assembly is divided into parties and into sections of parties, and in France each party, almost every section of a party, begins not to clamour but to scream, and to scream as only Frenchmen can, as soon as it hears anything which it particularly dislikes. With an Assembly in this temper, real discussion is impossible, and Parliamentary Government is impossible too, because the Parliament can neither choose men nor measures. The French assemblies under the Restored Monarchy seem to have been quieter, probably because being elected from a limited constituency they did not contain so many sec-

tions of opinion; they had fewer irritants and fewer species of irritability. But the assemblies of the '48 Republic were disorderly in the extreme. I saw the last myself, and can certify that steady discussion upon a critical point was not possible in it. There was not an audience willing to hear. The Assembly now sitting at Versailles is undoubtedly also, at times, most tumultuous, and a Parliamentary Government in which it governs must be under a peculiar difficulty, because as a sovereign it is unstable, capricious, and unruly.

The difficulty is the greater because there is no check, or little, from the French nation upon the Assembly. The French, as a nation, do not care for or appreciate Parliamentary Government. I have endeavoured to explain how difficult it is for inexperienced mankind to take to such a government; how much more natural, that is, how much more easy to uneducated men is loyalty to a monarch. A nation which does not expect good from a Parliament, cannot check or punish a Parliament. France expects, I fear, too little from her Parliaments ever to get what she ought. Now that the suffrage is universal, the average intellect and the average culture of the constituent bodies are excessively low; and even such mind and culture as there is has long been enslaved to authority; the French peasant cares more for standing well with his present *préfet* than for anything else whatever; he is far too ignorant

to check and watch his Parliament, and far too timid to think of doing either if the executive authority nearest to him does not like it. The experiment of a strictly Parliamentary Republic—of a Republic where the Parliament appoints the Executive—is being tried in France at an extreme disadvantage, because in France a Parliament is unusually likely to be bad, and unusually likely also to be free enough to show its badness.

Secondly, the present polity of France is not a copy of the whole effective part of the British Constitution, but only a part of it. By our Constitution nominally the Queen, but really the Prime Minister, has the power of dissolving the Assembly. But M. Thiers has no such power; and therefore, under ordinary circumstances, I believe, the policy would soon become unmanageable. The result would be, as I have tried to explain, that the Assembly would be always changing its Ministry, that having no reason to fear the penalty which that change so often brings in England, they would be ready to make it once a month. Caprice is the characteristic vice of miscellaneous assemblies, and without some check their selection would be unceasingly mutable. This peculiar danger of the present Constitution of France has however been prevented by its peculiar circumstances. The Assembly have not been inclined to remove M. Thiers, because in their lamentable present position they could not replace M. Thiers. He has a monopoly of the

necessary reputation. It is the Empire—the Empire which he always opposed—that has done him this kindness. For twenty years no great political reputation could arise in France. The Emperor governed and no one member could show a capacity for government. M. Rouher, though of vast real ability, was in the popular idea only the Emperor's agent; and even had it been otherwise, M. Rouher, the one great man of Imperialism, could not have been selected as a head of the Government, at a moment of the greatest reaction against the Empire. Of the chiefs before the twenty years' silence, of the eminent men known to be able to handle Parliaments and to govern Parliaments, M. Thiers was the only one still physically able to begin again to do so. The miracle is, that at seventy-four even he should still be able. As no other great chief of the Parliament *régime* existed, M. Thiers is not only the best choice, but the only choice. If he were taken away, it would be most difficult to make any other choice, and that difficulty keeps him where he is. At every crisis the Assembly feels that after M. Thiers 'the deluge,' and he lives upon that feeling. A change of the President, though legally simple, is in practice all but impossible; because all know that such a change might be a change, not only of the President, but of much more too: that very probably it might be a change of the polity—that it might bring in a Monarchy or an Empire.



Lastly, by a natural consequence of the position, M. Thiers does not govern as a Parliamentary Premier governs. He is not, he boasts that he is not, the head of a party. On the contrary, being the one person essential to all parties, he selects Ministers from all parties, he constructs a cabinet in which no one Minister agrees with any other in anything, and with all the members of which he himself frequently disagrees. The selection is quite in his hand. Ordinarily a Parliamentary Premier cannot choose; he is brought in by a party; he is maintained in office by a party; and that party requires that as they aid him, he shall aid them; that as they give him the very best thing in the State, he shall give them the next best things. But M. Thiers is under no such restriction. He can choose as he likes, and does choose. Neither in the selection of his Cabinet nor in the management of the Chamber, is M. Thiers guided as a similar person in common circumstances would have to be guided. He is the exception of a moment; he is not the example of a lasting condition.

For these reasons, though we may use the present Constitution of France as a useful aid to our imaginations, in conceiving of a purely Parliamentary republic, of a monarchy *minus* the monarch, we must not think of it as much more. It is too singular in its nature and too peculiar in its accidents to be a guide to anything except itself.

In the book above-mentioned I made many remarks on the American Constitution, in comparison with the English; and as to the American Constitution we have had a whole world of experience since I first wrote. My great object was to contrast the office of President as an executive officer and to compare it with that of a Prime Minister; and I devoted much space to showing that in one principal respect the English system is by far the best. The English Premier being appointed by the selection, and being removable at the pleasure, of the preponderant Legislative Assembly, is sure to be able to rely on that assembly. If he wants legislation to aid his policy he can obtain that legislation; he can carry out that policy. But the American President has no similar security. He is elected in one way, at one time, and Congress (no matter which House) is elected in another way, at another time. The two have nothing to bind them together, and in matter of fact, they continually disagree.

This was written in the time of Mr. Lincoln, when Congress, the President, and all the North were united as one man in the war against the South. There was then no patent instance of mere disunion. But between the time when the essays were first written in the *Fortnightly*, and their subsequent junction into a book, Mr. Lincoln was assassinated, and Mr. Johnson, the Vice-President, became President, and so continued for nearly four years. At such a time the characteristic evils of the

Presidential system were shown most conspicuously. The President and the Assembly, so far from being (as it is essential to good government that they should be) on terms of close union, were not on terms of common courtesy. So far from being capable of a continuous and concerted co-operation they were all the while trying to thwart one another. He had one plan for the pacification of the South and they another; they would have nothing to say to his plans, and he vetoed their plans as long as the Constitution permitted, and when they were, in spite of him, carried, he, as far as he could (and this was very much), embarrassed them in action. The quarrel in most countries would have gone beyond the law, and come to blows; even in America, the most law-loving of countries, it went as far as possible within the law. Mr. Johnson described the most popular branch of the legislature—the House of Representatives—as a body ‘hanging on the verge of government;’ and that House impeached him criminally, in the hope that in that way they might get rid of him civilly. Nothing could be so conclusive against the American Constitution, as a Constitution, as that incident. A hostile legislature and a hostile executive were so tied together, that the legislature tried, and tried in vain, to rid itself of the executive by accusing it of illegal practices. The legislature was so afraid of the President’s legal power that it unfairly accused him of acting beyond the law. And

the blame thus cast on the American Constitution is so much praise to be given to the American political character. Few nations, perhaps scarcely any nation, could have borne such a trial so easily and so perfectly.

This was the most striking instance of disunion between the President and the Congress that has ever yet occurred, and which probably will ever occur. Probably for very many years the United States will have great and painful reason to remember that at the moment of all their history, when it was most important to them to collect and concentrate all the strength and wisdom of their policy on the pacification of the South, that policy was divided by a strife in the last degree unseemly and degrading. But it will be for a competent historian hereafter to trace out this accurately and in detail; the time is yet too recent, and I cannot pretend that I know enough to do so. I cannot venture myself to draw the full lessons from these events; I can only predict that when they are drawn, those lessons will be most important and most interesting.

There is, however, one series of events which have happened in America since the beginning of the civil war, and since the first publication of my book, on which I should wish to say something in detail—I mean the financial events. These lie within the scope of my peculiar studies, and it is comparatively easy to judge of them, since whatever may be the case with refined statistical

reasoning, the great results of money matters speak to and interest all mankind. And every incident in this part of American financial history exemplifies the contrast between a Parliamentary and a Presidential Government.

The distinguishing quality of Parliamentary Government is, that in each stage of a public transaction there is a discussion; that the public assist at this discussion; that it can, through Parliament, turn out an administration which is not doing as it likes, and can put in an administration which will do as it likes. But the characteristic of a Presidential Government is, in a multitude of cases, that there is no such discussion; that when there is a discussion the fate of Government does not turn upon it, and, therefore, the people do not attend to it; that upon the whole the administration itself is pretty much doing as it likes, and neglecting as it likes, subject always to the check that it must not too much offend the mass of the nation. The nation commonly does not attend, but if by gigantic blunders you make it attend, it will remember it and turn you out when its time comes; it will show you that your power is short, and so on the instant weaken that power; it will make your present life in office unbearable and uncomfortable by the hundred modes in which a free people can, without ceasing, act upon the rulers which it elected yesterday, and will have to reject or re-elect to-morrow.

In finance the most striking effect in America has, on the first view of it, certainly been good. It has enabled the Government to obtain and to keep a vast surplus of revenue over expenditure. Even before the civil war it did this—from 1837 to 1857. Mr. Wells tells us that, strange as it may seem, ‘there was not a single year in which the unexpended balance in the National Treasury—derived from various sources—at the end of the year, was not in excess of the total expenditure of the preceding year; while in not a few years the unexpended balance was absolutely greater than the sum of the entire expenditure of the twelve months preceding.’ But this history before the war is nothing to what has happened since. The following are the surpluses of revenue over expenditure since the end of the civil war:—

Year ending June 30.	Surplus. £
1866 . . . . .	5,593,000
1867 . . . . .	21,586,000
1868 . . . . .	4,242,000
1869 . . . . .	7,418,000
1870 . . . . .	18,627,000
1871 . . . . .	16,712,000

No one who knows anything of the working of Parliamentary Government, will for a moment imagine that any Parliament would have allowed any executive to keep a surplus of this magnitude. In England, after the French war, the Government of that day, which had brought it to a happy end, which had the glory of

Waterloo, which was in consequence exceedingly strong, which had besides elements of strength from close boroughs and Treasury influence such as certainly no Government has ever had since, and such perhaps as no Government ever had before—that Government proposed to keep a moderate surplus and to apply it to the reduction of the debt, but even this the English Parliament would not endure. The administration with all its power derived both from good and evil had to yield; the income tax was abolished, with it went the surplus, and with the surplus all chance of any considerable reduction of the debt for that time. In truth taxation is so painful that in a sensitive community which has strong organs of expression and action, the maintenance of a great surplus is excessively difficult. The opposition will always say that it is unnecessary, is uncalled for, is injudicious; the cry will be echoed in every constituency; there will be a series of large meetings in the great cities; even in the smaller constituencies there will mostly be smaller meetings; every member of Parliament will be pressed upon by those who elect him; upon this point there will be no distinction between town and country, the country gentleman and the farmer disliking high taxes as much as any in the towns. To maintain a great surplus by heavy taxes to pay off debt has never yet in this country been possible, and to maintain a surplus of the American magnitude would be plainly impossible.

Some part of the difference between England and America arises undoubtedly not from political causes but from economical. America is not a country sensitive to taxes; no great country has perhaps ever been so unsensitive in this respect; certainly she is far less sensitive than England. In reality America is too rich; daily industry there is too common, too skilful, and too productive, for her to care much for fiscal burdens. She is applying all the resources of science and skill and trained labour, which have been in long ages painfully acquired in old countries, to develop with great speed the richest soil and the richest mines of new countries; and the result is untold wealth. Even under a Parliamentary Government such a community could and would bear taxation much more easily than Englishmen ever would.

But difference of physical character in this respect is of little moment in comparison with difference of political constitution. If America were under a Parliamentary Government, she would soon be convinced that in maintaining this great surplus and in paying this high taxation she would be doing herself great harm. She is not performing a great duty, but perpetrating a great injustice. She is injuring posterity by crippling and displacing industry, far more than she is aiding it by reducing the taxes it will have to pay. In the first place, the maintenance of the present high taxation compels the retention of many taxes which are contrary to the



maxims of free trade. Enormous customs duties are necessary, and it would be all but impossible to impose equal excise duties even if the Americans desired it. In consequence, besides what the Americans pay to the Government, they are paying a great deal to some of their own citizens, and so are rearing a set of industries which never ought to have existed, which are bad speculations at present because other industries would have paid better, and which may cause a great loss out of pocket hereafter when the debt is paid off and the fostering tax withdrawn. Then probably industry will return to its natural channel, the artificial trade will be first depressed, then discontinued, and the fixed capital employed in the trade will all be depreciated and much of it be worthless. Secondly, all taxes on trade and manufacture are injurious in various ways to them. You cannot put on a great series of such duties without cramping trade in a hundred ways and without diminishing their productiveness exceedingly. America is now working in heavy fetters, and it would probably be better for her to lighten those fetters even though a generation or two should have to pay rather higher taxes. Those generations would really benefit, because they would be so much richer that the slightly increased cost of government would never be perceived. At any rate, under a Parliamentary Government this doctrine would have been incessantly inculcated; a whole party would have

made it their business to preach it, would have made incessant small motions in Parliament about it, which is the way to popularize their view. And in the end I do not doubt that they would have prevailed. They would have had to teach a lesson both pleasant and true, and such lessons are soon learned. On the whole, therefore, the result of the comparison is that a Presidential Government makes it much easier than the Parliamentary to maintain a great surplus of income over expenditure, but that it does not give the same facility for examining whether it be good or not good to maintain a surplus, and, therefore, that it works blindly, maintaining surpluses when they do extreme harm just as much as when they are very beneficial.

In this point the contrast of Presidential with Parliamentary Government is mixed; one of the defects of Parliamentary Government probably is the difficulty under it of maintaining a surplus revenue to discharge debt, and this defect Presidential Government escapes, though at the cost of being likely to maintain that surplus upon inexpedient occasions as well as upon expedient. But in all other respects a Parliamentary Government has in finance an unmixed advantage over the Presidential in the incessant discussion. Though in one single case it produces evil as well as good, in most cases it produces good only. And three of these cases are illustrated by recent American experience.

First, as Mr. Goldwin Smith—no unfavourable judge of anything American—justly said some years since, the capital error made by the United States Government was the ‘Legal Tender Act,’ as it is called, by which it made inconvertible paper notes issued by the Treasury the sole circulating medium of the country. The temptation to do this was very great, because it gave at once a great war fund when it was needed, and with no pain to any one. If the notes of a Government supersede the metallic currency medium of a country to the extent of \$80,000,000, this is equivalent to a recent loan of \$80,000,000 to the Government for all purposes within the country. Whenever the precious metals are not required, and for domestic purposes in such a case they are not required, notes will buy what the Government want, and it can buy to the extent of its issue. But, like all easy expedients out of a great difficulty, it is accompanied by the greatest evils; if it had not been so, it would have been the regular device in such cases, and the difficulty would have been no difficulty at all; there would have been a known easy way out of it. As is well known, inconvertible paper issued by Government is sure to be issued in great quantities, as the American currency soon was; it is sure to be depreciated as against coin; it is sure to disturb values and to derange markets; it is certain to defraud the lender; it is certain to give the borrower more than he ought to have. In the case

of America there was a further evil. Being a new country, she ought in her times of financial want to borrow of old countries; but the old countries were frightened by the probable issue of unlimited inconvertible paper, and they would not lend a shilling. Much more than the mercantile credit of America was thus lost. The great commercial houses in England are the most natural and most effectual conveyers of intelligence from other countries to Europe. If they had been financially interested in giving in a sound report as to the progress of the war, a sound report we should have had. But as the Northern States raised no loans in Lombard Street (and could raise none because of their vicious paper money), Lombard Street did not care about them, and England was very imperfectly informed of the progress of the civil struggle, and on the whole matter, which was then new and very complex, England had to judge without having her usual materials for judgment, and (since the guidance of the 'City' on political matter is very quietly and imperceptibly given) without knowing she had not those materials.

Of course, this error might have been committed, and perhaps would have been committed under a Parliamentary Government. But if it had, its effects would ere long have been thoroughly searched into and effectually frustrated. The whole force of the greatest inquiring machine and the greatest discussing machine

which the world has ever known would have been directed to this subject. In a year or two the American public would have had it forced upon them in every form till they must have comprehended it. But under the Presidential form of Government, and owing to the inferior power of generating discussion, the information given to the American people has been imperfect in the extreme. And in consequence, after nearly ten years of painful experience, they do not now understand how much they have suffered from their inconvertible currency.

But the mode in which the Presidential Government of America managed its taxation during the Civil War, is even a more striking example of its defects. Mr. Wells tells us :—

‘In the outset all direct or internal taxation was avoided, there having been apparently an apprehension on the part of Congress, that inasmuch as the people had never been accustomed to it, and as all machinery for assessment and collection was wholly wanting, its adoption would create discontent, and thereby interfere with a vigorous prosecution of hostilities. Congress, therefore, confined itself at first to the enactment of measures looking to an increase of revenue from the increase of indirect taxes upon imports; and it was not until four months after the actual outbreak of hostilities that a direct tax of \$20,000,000 per annum was apportioned among the States, and an income tax of 3 per cent. on

the excess of all incomes over \$800 was provided for; the first being made to take effect practically eight, and the second ten months after date of enactment. Such laws of course took effect, and became immediately operative in the loyal States only, and produced but comparatively little revenue; and although the range of taxation was soon extended, the whole receipts from all sources by the Government for the second year of the war, from excise, income, stamp, and all other internal taxes, were less than \$42,000,000; and that, too, at a time when the expenditures were in excess \$60,000,000 per month, or at the rate of over \$700,000,000 per annum. And as showing how novel was this whole subject of direct and internal taxation to the people, and how completely the Government officials were lacking in all experience in respect to it, the following incident may be noted. The Secretary of the Treasury, in his report for 1863, stated that, with a view of determining his resources, he employed a very competent person, with the aid of practical men, to estimate the probable amount of revenue to be derived from each department of internal taxation for the previous year. The estimate arrived at was \$85,000,000, but the actual receipts were only \$37,000,000.

Now, no doubt, this might have happened under a Parliamentary Government. But, then, many members of Parliament, the entire opposition in Parliament, would

have been active to unravel the matter. All the principles of finance would have been worked and propounded. The light would have come from above, not from below—it would have come from Parliament to the nation instead of from the nation to Parliament. But exactly the reverse happened in America. Mr. Wells goes on to say:—

‘The people of the loyal States were, however, more determined and in earnest in respect to this matter of taxation than were their rulers; and before long the popular discontent at the existing state of things was openly manifest. Everywhere the opinion was expressed that taxation in all possible forms should immediately, and to the largest extent, be made effective and imperative; and Congress spurred up, and rightfully relying on public sentiment to sustain their action, at last took up the matter resolutely and in earnest, and devised and inaugurated a system of internal and direct taxation, which for its universality and peculiarities has probably no parallel in anything which has heretofore been recorded in civil history, or is likely to be experienced hereafter. The one necessity of the situation was revenue, and to obtain it speedily and in large amounts through taxation the only principle recognized—if it can be called a principle—was akin to that recommended to the traditional Irishman on his visit to Donnybrook Fair, “Wherever you see a head hit it.” Wherever you find an article, a

product, a trade, a profession, or a source of income, tax it! And so an edict went forth to this effect, and the people cheerfully submitted. Incomes under \$5,000 were taxed 5 per cent., with an exemption of \$600 and house rent actually paid; these exemptions being allowed on this ground, that they represented an amount sufficient at the time to enable a small family to procure the bare necessities of life, and thus take out from the operation of the law all those who were dependent upon each day's earnings to supply each day's deeds. Incomes in excess of \$5,000 and not in excess of \$10,000 were taxed  $2\frac{1}{2}$  per cent. in addition; and incomes over \$10,000 5 per cent. additional, without any abeyance or exemptions whatever.'

Now this is all contrary to and worse than what would have happened under a Parliamentary Government. The delay to tax would not have occurred under it: the movement by the country to get taxation would never have been necessary under it. The excessive taxation accordingly imposed would not have been permitted under it. The last point I think I need not labour at length. The evils of a bad tax are quite sure to be pressed upon the ears of Parliament in season and out of season; the few persons who have to pay it are thoroughly certain to make themselves heard. The sort of taxation tried in America, that of taxing everything, and seeing what everything would yield, could not have been tried





under a Government delicately and quickly sensitive to public opinion.

I do not apologize for dwelling at length upon these points, for the subject is one of transcendent importance. The practical choice of first-rate nations is between the Presidential Government and the Parliamentary; no State can be first-rate which has not a Government by discussion, and those are the only two existing species of that Government. It is between them that a nation which has to choose its Government must choose. And nothing therefore can be more important than to compare the two, and to decide upon the testimony of experience, and by facts, which of them is the better.

THE END.